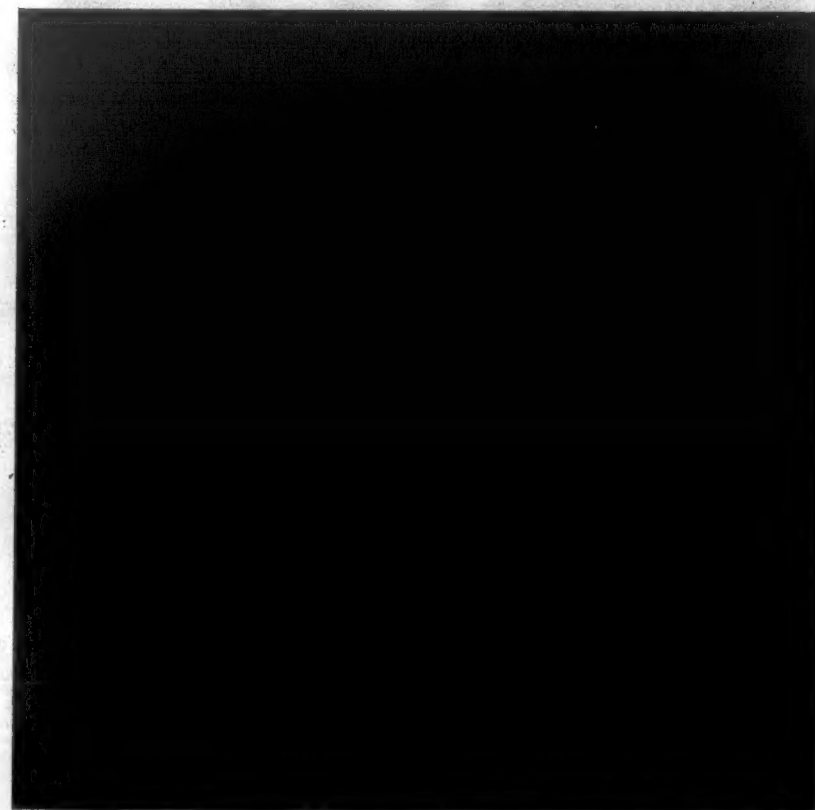
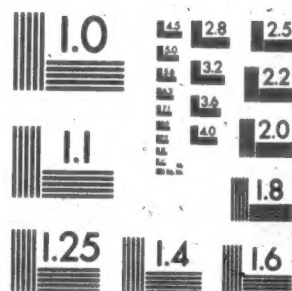
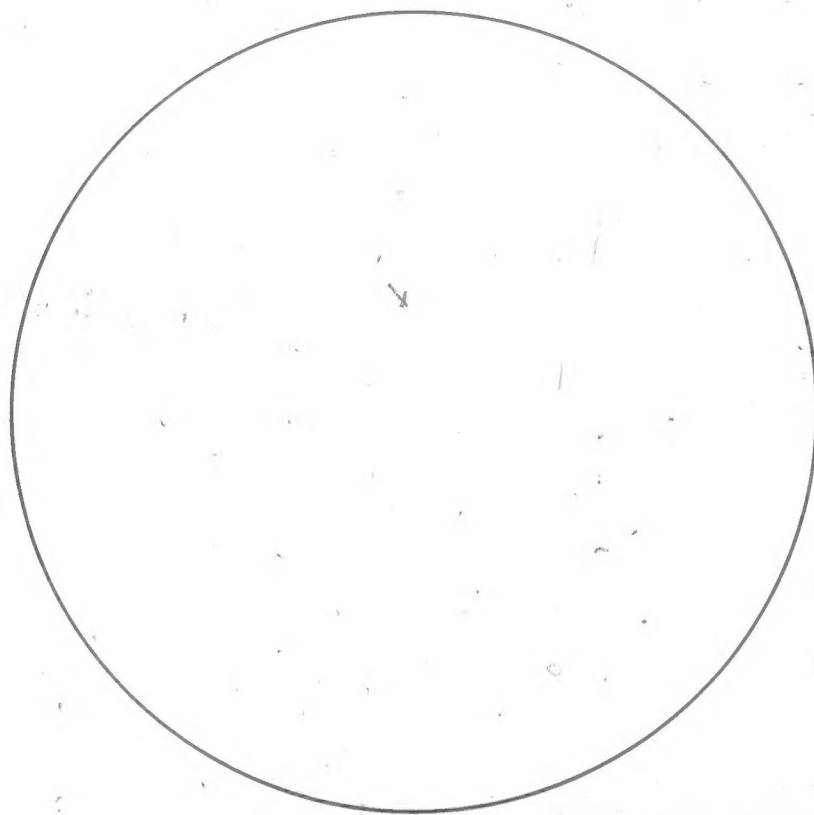
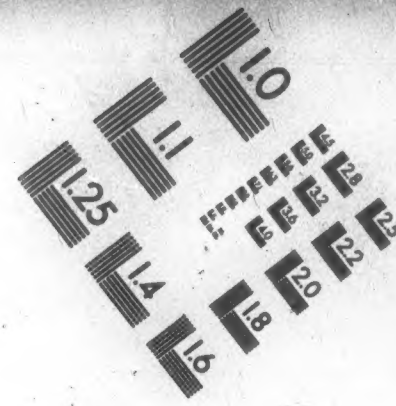
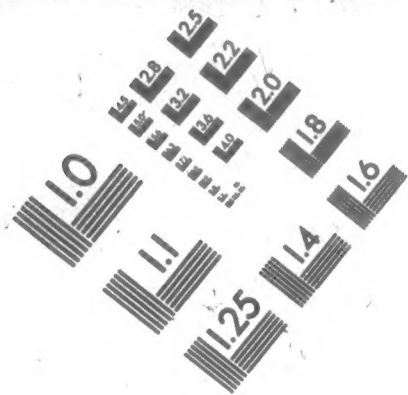


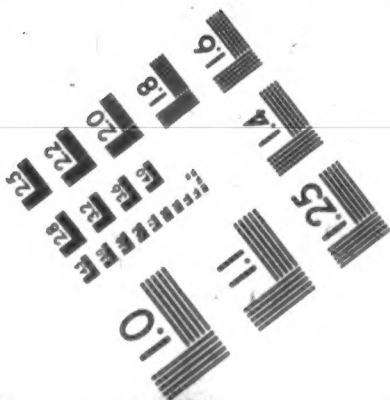




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**APPLICATIONS FOR ENROLLMENT OF THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
1898 - 1914**

**ROLL 372**

**CHEROKEE FREEDMEN R427 - R459**

**THE NATIONAL ARCHIVES  
NATIONAL ARCHIVES AND RECORDS SERVICE  
GENERAL SERVICES ADMINISTRATION**

**WASHINGTON: 1983**

Cher Fr R 427

See Cher Fr R 418 thru 426  
and 428 thru 430

Cher Fr R 427

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Fort Gibson, I. T., April 23, 1901.

In the matter of the application of Joshua Barnes for enrollment as a Cherokee Freedman.

Joshua Barnes, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Joshua Barnes.  
Q What is your age? A 21.  
Q What is your post office address? A Sango.  
Q What district do you live in? A Sequoyah.  
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.  
Q Did you ever apply to be enrolled by any other tribe? A No, sir.  
Q Have you been recognized by the Cherokee authorities as a Cherokee Freedman? A Yes, sir.  
Q Is your name on the roll of 1880? A No, sir.  
Q Is your name on any of the rolls of the Cherokee Nation? A On the John Wallace roll.  
Q What was your father's name? A Sam Barnes.  
Q Is he living? A Yes, sir.  
Q What was your mother's name? A Jennie.  
Q Is she living? A No, sir.  
Q Is your father a Cherokee Freedman? A No, sir.  
Q Was your mother? A Yes, sir.  
Q Who do you desire to enroll besides yourself? A Not any one.  
The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.  
The 1896 census roll of Cherokee Freedmen examined, and the applicant not identified thereon.  
The Wallace roll examined, and the applicant identified thereon page 99, No. 2134, Goshute district.  
Q Where were you born? A Sequoyah.  
Q In the Cherokee Nation? A Yes, sir.  
Q You have always lived in the Cherokee Nation? A Yes, sir.  
Q Why is your name and the name of your father or mother not on the roll of 1880? A I can't tell that.

A. B. McRea, attorney for applicant: We wish to offer in support of his statement the evidence of his aunt, Mrs. Albert, who has testified in behalf of his brothers Robert and John, and have been placed on a doubtful card, and also her husband, Whitwire.

Commissioner Needles: The name of Joshua Barnes is not found upon the authenticated roll of 1880 or the census roll of 1896. His name is found on the Wallace roll. Reference is made to the testimony taken in the case of Mattie Albert, Cherokee Freedman Doubtful card No. 42. The applicant is duly identified, but makes no satisfactory proof as to his residence, consequently Joshua Barnes' application for enrollment as a Cherokee Freedman will be suspended, and his name will be placed upon a doubtful card. The evidence in the case of Mattie Albert will be filed in the application of said Joshua Barnes.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this 23rd day of April, 1901.

*W. H. McRea*  
Commissioner



73. J. D. 150

MEMORANDUM OF APPLICATION

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED  
APR 23 1901

HEROKEE FREEDMEN

ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date APR 23 1901

Post Office

District

1. Name

Owner's name

Year

Parents:

Father

Mother

2. Name of wife

Owners name

Year

Parents:

Father

Mother

Names of Children:

	Year	Page	No.	Dist.
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				

Application made by

Stenographer

up to Martha Albert and.  
Robert Barnes. #1099

To be filed with case Joshua Barnes,  
Cherokee Freedman D150.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Ft. Gibson, I.T., April 18, 1901.

In the matter of the application of Robert Barnes for the enrollment of himself as a Cherokee Freedman; being sworn and examined by Commissioner Breckinridge, he testified as follows:

\* \* \* \* \*

Martha Albert, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give your name there please? A Martha Albert.

Q How old are you? A I am about 57 or 58 years old.

Q What is your post-office? A Melvin.

Q In what district do you live? A Live in Tahlequah District.

Q You want to give some evidence here in the application of Robert Barnes don't you for enrollment? A Yes, sir.

Q You have made an application for yourself and two children?

A Yes, sir.

Comm'r: This is D-42.

Q A trouble in your own application appeared to be to establish when you came back to the Cherokee Nation after the war?

A I came back here two months before the '86 treaty went off.

Q You know Robert Barnes do you? A Yes, sir.

Q How long have you known him? A I ~~know~~ have knowed him ever since he has been born; he was my sister's child.

A Child of your sister Jennie? A Yes, sir.

A She belonged to Johnson Whitmire? A Yes, sir.

Q Were you and she taken out of the Cherokee nation during the war? A We went to Red River in the Choctaw Nation.

Q You didn't go across the river? A No sir, we never crossed into Texas.

Q Was your sister there with you? A Yes, sir.

Q And both of you belonged at that time to Johnson Whitmire, did you? A Yes, sir.

Q Well did she come back with you? A Yes, sir.

Q Johnson Whitmire brought you both back? A No sir, my father brought us back.

Q You and your sister came back together? A Yes, sir.

Q What was the father doing down there? A Well he went south.

Q Was he working down there? A Yes, sir.

Q On a plantation? A Yes, sir, he was a free man; he always just dug wells around for people.

Q Your father was a Free man? A Yes, sir.

Q But your mother was a slave? A Yes, sir.

Q Did she come back with you and your sister? A Yes, sir.

Q What business did you say your father did? A He dug wells and worked around for people.

Q And he brought your mother and both of you back? A Yes sir.

Q In what year did he bring you and your sister? A 1866 when I came back here.

Q What time of the year was it? A It was in the fall of the year.

Q Where did your sister locate when she came back? A She located down here close to Cherokee Junction.

Q Were you in the same neighborhood with her? A Yes sir, right in the same year.

Q Were you on a plantation or about the town? A I was on Cale Starr's place.

Q On a farm? A Yes, sir.

Q He is not living now, Cale Starr, is he? A I don't know.

Q Any of his children living? A I don't know.

Q Is his wife living? A I don't know that, neither; I have been living in Sequoyah.

Q Are there any of the people who were living there on that place at that time living now? A No, sir, not on that place; there wasn't



no one there but us working the farm, rented the place.

Q You and your sister were on that place? A Yes, sir.

Q But there were no colored people on it but just you and your people? A Yes, sir.

Q Well now how many people were in your family at that time, you and your sister and who else? A Me and my sister and our husbands.

Q Was her husband then living, Sam Barnes? A Yes, sir.

Q And your husband, is he living? A Yes, sir.

Q Has your husband testified in your case? A No sir.

Q Why didn't you bring your husband? A He is in here somewhere.

Q Your sister's husband is not here is he? A No, sir.

Q Did your husband go around the country digging wells after he got back? A My father.

Q Was he with you when you got back? A Yes, sir, brought us back.

Q Did he go around the country digging wells? A No, sir, didn't dig any wells after he got back.

Q What did he go? A He farmed.

Q Was he living with you there on Mr. Starr's place? A Yes, sir.

Q Your father is dead now? A Yes, sir.

Q Who had farms there in that neighborhood? A Old Uncle Jack Campbell.

Q Is he alive? A No, sir, he is dead.

Q Anybody else? A Yes sir, Dave Choate had a place right there joining.

Q Named Choateau? A Named Choate, Cherokee.

Q Is he living? A I don't know.

Q Do you know anybody who is living now that was living in that neighborhood there and knew you all? A Yes, sir.

Q Well give their names? A Eliza Franklin, it aint Franklin now; that was her name when I knew her; her name is Eliza McGrady now.

Q Is she about the room now? A No, sir, she is living down in Sequoyah; she is a Cherokee.

Examined by Cherokee Representative, W.W. Hastings.

Q Where were you married? A We married in slavery time; we married in the Choctaw Nation.

Q Your husband came back with you also? A Yes, sir.

Q I thought you said your father brought you back? A Well, my father was the leading one brought us back.

Q Where was your sister married? A She was married here under the Cherokee law.

Q She wasn't married down there? A No, sir.

Q Her husband didn't come back with her? A No, sir.

Q Where was Robert Barnes born? A Down in Sequoyah.

Q On what place? A Right there on the Gale Starr place.

Q That's how far from Ft. Smith? A About four miles.

Q And by the river, on this side? A Yes, sir.

Q You say Gale Starr was living there at the time? A No, sir, old man Ellis Harlin was living there.

Q He had a family? A Yes, sir.

Q One of them named Emma? A Yes, sir.

Q She was living there? A Yes, sir.

Q Another name one named Ruth? A That's right.

Q She was living there at that time? A Yes, sir. And a boy named O.C. X

Q And O.C. was living there at that time? A Yes sir.

Q He knew your people now? A Yes, sir.

Examined by Commissioner Breckinridge:

Q How many children have you? A I have got six.

Q Where was your oldest child born? A Born in Sequoyah.

Q After you got back after the war? A Yes, sir.

Q How old is that child? A About 37 years old.

Q How long had you been married down in the Choctaw Nation when you got back? A We married time of the war.



- Q Along towards the last of the war? A Yes, sir.
- Q How long had you been married when your oldest child was born?
- A I couldn't go to work to tell you about that.
- Q How long had you been back here when your oldest child was born?
- A She was born in '67.
- Q How long had you been back here when she was born? A Well I say she was born in '67.
- Q Who attended on you at the time of the birth of that child?
- A The woman who attended on me is dead, Mandy Benton's mother.
- Q Some of the old people living who remember when that child was born? A No, sir, none that I know of; there wasn't no colored folks in there hardly then.
- Q You don't remember how long you had been back in the Cherokee Nation when that child was born? A Yes, sir.
- Q How long? A She was born in '67.
- Q I didn't ask you what year she was born in, I asked you how long you had been in the Cherokee Nation when that child was born?
- A Well I tell you she was born the year after I come back here.
- Q The next year after you got back? A Yes sir.
- Q Was the child born in the spring, summer or fall? A Born in January.
- Q And what time of the year was it you got here? A I got here in the fall of 1868.
- Q In the fall before the January this child was born? A Yes sir.

Golly Albert, being sworn and examined by Commissioner Breckinridge, testified as follows:

- Q Give me your full name? A Golly Albert, is the way I always sign my name.
- Q How old are you? A I am 81.
- Q What is your post-office? A Melvin
- Q In what district do you live? A I live in Illinois District.
- Q You want to give some testimony in the case of Robert Barnes do you, who has applied for enrollment? A Well, I can give some.
- Q Well you are not here to apply for your own enrollment are you?
- A No, sir, not now; not at present.
- Q Are you the husband of Martha Albert? A Yes, sir.
- (Com'r: Her case is D-42.)
- Q Do you know Robert Barnes? A Yes, sir.
- Q How long have you known him? A I have been knowing him ever since he was born.
- Q How long have you lived in the Cherokee Nation? A I have been raised and born here in the Cherokee Nation.
- Q Were you a slave in old times? A Yes, sir.
- Q To whom did you belong? A Old lady Bushyhead, Nancy.
- Q Where were you during the war? A I was down on Red River.
- Q In the Choctaw Nation? A Yes sir.
- Q Where did you live before that, on Nancy Bushyhead's place?
- A Yes, sir.
- Q In what district was that? A In Goingsmake District.
- Q You married your wife, Martha, down there did you, on Red River?
- A No, sir, I married her after I come back. I lived with her but I didn't marry her until after we come back to the Cherokee Nation.
- Q How long after you came back to the Cherokee Nation was it before you and she married? A About three years I guess; I joined the church and they wouldn't let me live in the church until I married.
- Q Did you and she have any children until after you were married?
- A Yes, sir, she had two.
- Q Two before you were married? A Yes, sir.
- Q That is, before you were married the way the church made you marry? A Yes, sir.
- Q You knew your wife's sister, Jennie? A Yes, sir.
- Q She was married to Sam Barnes, was she? A Yes, sir.
- Q Did you come back with your wife after the war when she came from the Choctaw Nation? A I come a little ahead of her; a few days.

- Q Just a few days? A Yes, sir, she come with her father.
- Q Did her sister Jennie come with her? A Yes, sir.
- Q She and your wife come together? A Yes, sir.
- Q Her sister Jennie was the mother of this Robert Barnes? A Yes, sir.
- Q What were you doing down there in the Choctaw Nation, farming?
- A Yes, sir, worked on the farms a little.
- Q Well were you working on a farm all the time, weren't you? A Well sometimes I was driving a team.
- Q Did you make a crop of cotton? A No, sir, corn crop.
- Q Where did you locate when you came back from the Choctaw Nation?
- A Near Cherokee Station there on Caleb Starr's place.
- Q What time of the year was it you got back there? A It was along in August sometime in August, I disremember just what day in August it was, but we got back there in August.
- Q You think that was in what year? A 1866.
- Q What fixes that on your mind? A Well, I kept count of how long the war run on; I knowed what year the war come in on.
- Q How long had the war been closed when you came back? A I come back next spring after the war closed.
- Q You fixed it on your mind that way? A Yes, sir, that's the way it was.
- Q You know this woman Jennie Barnes, mother of Robert Barnes, whom did she belong to before the war? A I don't know who she belonged to; I know who they always said she belonged to; she belonged to some man my wife did.
- Q What was his name? A Johnson Whitmore; I never got personally acquainted with them until I got down there on Red River.
- Q Was Jennie Barnes older or younger than your wife? A She was youngest, her mother and father said.
- Q Was she married there in the Choctaw Nation? A No, sir, I don't think she was until we come back to the Cherokee Nation I think.
- Q Married after she got back? A Yes, sir; As well as I recollect that's what they told me; I was 't there when they married.
- Q But you were seeing them all the time weren't you? A Yes, sir.
- Q Did you see her very soon after she was said to have been married? A She staid staid there with me a while on the Caleb Starr place.
- Q Where were you when she married? A I was on the Caleb Starr place.
- Q Where was she when she married? A She was over in Ft. Smith, I think, hired out.
- Q And there is where she married Sam Barnes? A Yes, sir, I think so.
- Q How long was that after you had got back from the Choctaw Nation? A It was about one year I think, not quite a year; it was about six months.
- Q She staid with you a while on the Starr place and then hired to do some work over at Ft. Smith and there married? A Yes, sir.
- Q And where did she live after that? A Lived up on Lee's Creek there close by me.
- Q How long did she stay at Ft. Smith? A I don't know exactly; not very long though; I don't recollect now just how long it was.
- Q How long had she been married before you saw her; how long was it after she married that you saw her? A It was about two or three months I guess.
- Q You saw her two or three months after she was married? A Yes, sir.
- Q Where did you see her? A ~~xxxxxx~~ She come over to my house there on a visit; on the Caleb Starr place.
- Q What Creek was that you say she lived on at one time? A Lees Creek.
- Q How long had she been married when she began living on Lees Creek?
- Q She has been married as well as I can recollect, then about four or five years.
- Q And she had quite work in Ft. Smith then had she, and gone to live on Lee's Creek? A Yes, sir.
- Q What was her husband doing all that time? A Why he was farming he went to farming after he come over into the Cherokee Nation.

Q But during that four or five years before he lived on Lee's Creek, you don't know what he was doing so you? A Yes sir, he moved over there and was hired out.

Q Moved over where? A The other side of Ft. Smith in the coal bank

Q He worked there until he moved up on Lee's Creek? A Yes, sir.

A Now Sam Barnes, her husband, he makes no claim for himself as a Cherokee Freedman? A No, sir, none as I ever known of.

Q He was working for wages up there about the coal bank I suppose? A Yes, sir.

Q And after working there four or five years he then moved up on Lee's Creek and went to farming? A Yes, sir, he was living over here when he was working in the bank; he had moved before he went to work over there.

Q What was his wife doing all that time when he was working at the coal bank? A She was working in the field there with me and my folks; they lived about three or four hundred years from me.

Q You said just now she had come from over there up to Lee's Creek? A She did after they were married.

Q You said she came up there four or five years after they were married, and now you say she had come before that and lived with you; which one of these can I rely on? A I said about five years he lived over here and went back to work the other side of Ft. Smith about five years after he was married.

Q He went back there about five years after he was married, to work? A Yes, sir.

Q Well then how long did he live over there after that? A After he had moved over here?

A Yes. A I don't know sir how long he worked; I couldn't tell exactly.

Q You now tell me that after he married he came over here and worked four or five years and then went back to Arkansas and worked on a coal bank? A Yes sir.

Q That's what you tell me now is it? A Yes, sir.

Q Well then how long did he work on a coal bank? A I couldn't tell you exactly how long he worked.

Q You told me a while ago he worked four or five years on a coal bank? A No sir, I don't think I did; if I did I made a mistake.

Q How much was it you said, more or less? A It was less than that.

Q Whose coal bank was it? A It was called Jenny Lynn, over there about Huntington.

Q The town of Jenny Lynn? A Yes sir.

Q How long did he work over there about that coal bank off and on? A As well as I can recollect it was about a year.

Q Not four or five years? A No sir.

Q Did he take his family along with him? A No sir, his family was over here living with me.

Examination by Cherokee Representative, W.W. Hastings:

Q Who was living on the Cale Starr place at the time you were, immediately after you came back with your wife from the Choctaw Nation? A Ellis Harlin.

Q Did Ellis Harlin have some children living there? A He had two daughters.

Q What was their names? A Rutha and Emma.

Q They were living on the place at that time? A Yes, sir.

Q Did he have any body? A Yes sir, had one named Oco.

Q What was the other one's name? A I forgot the other's name; he didn't come around there none, the other one didn't.

Q They were living there at that time? A Yes, sir.

Q They were single and unmarried and living there on the place at the time with their father? A Yes, sir.

Q All of these children that you have mentioned? A Yes, sir, all



but see; I don't know whether he was married or not; he just come in and out; I don't know what he was; the girls though were single.

\*\*\*\*\*

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, M. D. Green.

Subscribed and sworn to before me this April 19, 1901.

Signed, C. R. Breckinridge,  
Commissioner.

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Department of the Interior,  
Commission to the Five Civilized Tribes.,  
Fort Gibson, I.T., April 18th, 1901.

In the matter of the application of John Barnes, for the enrollment of himself and one child as Cherokee Freedman; he being sworn by Commissioner C. R. Breckinridge, testified as follows:

\*\*\*\*\*

Martha Albert, called and sworn by Commissioner Breckinridge as a witness testified as follows:

- Q What is your name? A Martha Albert.  
Q How old are you? A 57 or '8 years old.  
Q What is your post office? A Melvin.  
Q You claim to have lived in the Cherokee Nation all your life?  
A Yes, sir.

Note: (By Commissioner) Her case is Cherokee Freedman Doubtful Card No. 42.

- Q Are you the mother of this applicant? A No sir, I am his aunt.  
Q He is the son of your sister Jenny Barnes? A Yes sir.  
Q She has been dead about ten years? A Yes sir.  
Q Is this applicant a full brother of Robert Barnes? A Yes sir.  
Q He is married? A Yes sir.  
Q What is his wife's name? A Ruthie.  
Q When were they married? A About three years ago.  
Q Was he ever married before? A No, sir.  
Q Was she ever married before? A No, sir.  
Q They have been living together as husband and wife ever since then, have they? A Yes, sir.

\*\*\*\*\*

Chas. von Weise, being duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above case and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Signed, Chas von Weise

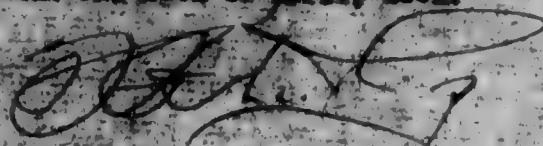
Subscribed and sworn to before me this the 18th of April, 1901, at Fort Gibson, I.T.

Signed, C. R. Breckinridge,  
Commissioner.

Grace S. Jones, a member of the same, says that the foregoing is a true copy from the original of the testimony of Martha Albert and Oella Albert, given in answer to the applications of Robert Barnes and John Barnes for enrollment as Cherokee Freedmen.

Martha Albert

Sworn to and subscribed before me this 26th of April, 1901.



Commissioner.

I hereby accept service of the within notice to take testimony this 15th

day of May 1901.

*W. J. Moore*  
-----

Attest my hand and seal of office this 15th day of May 1901.

COMMISSION TO THE FIVE CIVILIZED TRIBES  
DEPARTMENT OF THE INTERIOR

MAY 12 1901  
FILED

*[Signature]*  
ACTING CHAIRMAN

44-120

I hereby accept service of the within notice to take testimony this 15th  
day of May 1901.

*A. S. McGee*

Attorney for the Commission

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAY 15 1901

ACTING CHAIRMAN

48.150

# NOTICE!

In the matter of the application of Joshua Barnes, for enrollment as a Cherokee Freedman.

Case No. D. 150

To Joshua Barnes of A. D. Barnes his attorney

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita

Indian Territory, on the following dates, to-wit: May 21st and 22nd

A. D. 1901, during the usual business hours of said commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands on this 15th day of May 1901.

L. B. Bell  
W. W. Hastings  
J. S. Davenport

Attorneys for the Cherokee Nation.

United States of America, }  
Indian Territory, } s. s.  
Northern District. }

I do solemnly swear that I delivered a true copy of the within notice to  
on the \_\_\_\_\_ day of \_\_\_\_\_ A. D. 1901.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 1901. Notary Public.



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COMMISSIONERS:  
HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRUCKNERIDGE.

ALLISON L. AYERSWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Vinita, Indian Territory, May 15th, 1901.

Received of the Commission to the Five Civilized Tribes one copy of the original testimony in the matter of the application of Joshua Barnes for enrollment as a Freedman of the Cherokee Nation and one copy of the testimony in the matter of the application of Robert Barnes; the later testimony having been made a part of the record in the case of Joshua Barnes.

*A. S. M. Rea*  
\_\_\_\_\_  
Attorney for Applicant.

Cherokee F. #D150.

To be filed with case of Joshua Barnes, et al., C. F. D. #150.

SUPPLEMENTAL TESTIMONY.

F.-D.#42.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
VINITA, I.T., MAY 21st, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of MAR  
THA ALBERT, et al., as Cherokee Freedmen:

RUTH HUNT, being sworn and examined by Commissioner T. B.  
Needles, testified as follows:

APPEARANCES:

A. S. McRea, Attorney for Applicants;

W. W. Hastings, Cherokee Representative.

- Q What is your name? A Ruth Hunt.  
Q How old are you? A 34.  
Q What is your post office address? A Vinita.  
By W. W. Hastings: Mrs. Hunt, what was your maiden name?  
A Harlin.  
Q What was your father's name? A Ellis Harlin.  
Q What was your mother's name? A Nancy Harlin.  
Q Where did you go during the war of the Rebellion?  
A Fort Smith, Arkansas.  
Q After the war did you return to the Cherokee Nation? A Yes, sir.  
Q When did you return to the Cherokee Nation? A 1867.  
Q What time of the year? A It was either February or March, I  
don't remember which.  
Q But '67? A Yes, sir.  
Q Did any colored people return with you to the Cherokee Nation  
when you came back? A No, sir.  
Q Did you return with your father? A Yes, sir.  
Q To what point did you return? A About four miles this side of  
Fort Smith, on the line of Arkansas, about a quarter of a mile  
from the line, Arkansas line.  
Q Did you know a colored woman by the name of Martha Albert who  
is the wife of Colly Albert? A There was a man worked for us we  
always called him Albert, I don't know what his other name was, his  
wife was named Martha; he worked for us that summer we came back.  
Q The summer of '67? A Yes, sir.  
Q Did they return with you? A No, sir.  
Q Were they over there on the place when you returned? A No, sir.  
Q Do you know where they came from? A No, sir, I don't but he  
went over in Arkansas somewhere and hired the man to come and work,  
but I don't remember where he got him. He had a man at work for us  
and the man quit and he went away somewhere and got this man, he  
got him in Arkansas somewhere towards Van Buren, but I don't know.  
Q You brought no colored people back with you? A No, sir.  
Q Did these people claim at that time to be Cherokee Freedmen?  
A I never heard it; if they did I don't remember anything about  
them claiming.  
Q Do you know what became of them after they left your place?  
A No, sir, I never seen or heard tell of them until they was tak-  
ing the roll at Vinita here before.  
Q In 1896? A Yes, sir, that is the only time I have ever heard of  
them since.  
Q Are you a Cherokee citizen by blood? A Yes, sir.  
Q You reside at Vinita? A Yes, sir.

CROSS EXAMINATION BY A. S. McREA:

Q Mrs. Hunt, did you know the applicant, Mattie Albert, before the war? A No, sir.

Q Do you know her at all? A I don't know her only just as far back as 1867; I remember there was a man worked for us by the name of Albert, we called the woman Martha and the man Albert, they worked for us here during the summer of 1867, that is all I know about it.

Q You don't know whether she is the one who belonged to Johnson Whitmire before the war or not? A No, sir, I don't know; I never heard her say that she belonged in the Nation before the war.

Q Did you know the Whitmires? A Yes, sir.

Q Did you know any of their slaves? A I can't remember them, I knew them but I can't remember them.

Q Now, this man Albert that worked for your father, you don't know his given name? A He, sir, we just called him Albert, and I don't remember what his other name was.

Q You don't know whether Albert was a given or surname? A No, sir; I don't know which it was.

Q Would you know the same persons if you would see them again?

A I don't think I would, it has been so long.

RE-DIRECT EXAMINATION by Mr. Hastings:

Q How far did you live from Johnson Whitmire before the war?

A About ten or 12 miles. I knew the family and I guess knew the slaves, I don't remember them now.

Q I believe you said you were 54, that would make you be born in 1847; you would be about 13 years old when the war come up?

A Yes, sir.

Q I was going to ask you if you lived in ten or twelve miles of Johnson Whitmire and if this woman had belonged to him before the war, it is quite likely you would have known that in 1867?

A It seems that she would have known people that I did and would have said something about it. I went to school with Whitmire's children and have been at Ben Whitmire's house and I guess would remember some of the names if I heard them recalled, but I can't remember them now.

Q You didn't recognize this woman? A No, sir, I would not recognize her now.

Q You didn't recognize her then as belonging to Johnson Whitmire?

A No, sir.

Q Never heard her remark about it? A No, sir.

EMMA FINLEY, being duly sworn by Commissioner T. B. Needles, testified as follows:

DIRECT EXAMINATION BY MR. HASTINGS:

Q What is your name? A Emma Finley.

Q What is your age, Mrs. Finley? A 51.

Q What is your post office address? A Tahlequah.

Q Are you a Cherokee by blood? A Yes, sir.

Q Recognized citizen of the Cherokee Nation? A Yes, sir.

Q Mrs. Finley, what was your maiden name? A Emma Harlin.

Q You are a sister of Mrs. Hunt who has just testified?

A Yes, sir.

Q What was your father's name? A Ellis Harlin.

Q What was your mother's name? A Nancy Harlin.

Q Did you come back with your father after the war to the Cherokee Nation? A Yes, sir.

Q When did your father die? A '67.

Q Where did he die? A Down in Sequoyah district, near Fort Smith.

Q To what point in the Cherokee Nation did you return after the war? A Down on the line close to Fort Smith.

Q About how far from Fort Smith? A Four miles.

Q I ask you if any colored people returned with you? A No, sir.

Q What time did you return to the Cherokee Nation? A In '67.

Q What time in '67? A I am not positive what month it was, it was either February or first of March, I think.

Q Did any colored people return with you? A No, sir, there was not.

Q Do you remember a colored woman by the name of Albert, Martha Albert? A Why, yes, I remember her, she didn't come back with us.

Q She didn't come back with you? A No, sir.

Q When do you first remember of having seen her? A I think it was the last of March or first of April, I am not positive which, but it was along about that time.

Q It was after you returned to the Cherokee nation after the war? A Yes, sir, after we came back in '67.

Q Do you know where she came from? A In the state some place.

Q She worked for you that season, at part of the time? A Part of the time.

Q She didn't come back with your or your father? A No, sir.

Q Do you know whether she claimed at that time that she was a Cherokee slave? A No, sir, she didn't; if she did I never heard her. Never claimed at all.

Q Mrs. Finley, did you know Johnson Whitmire before the war? A No, sir, I had heard of him but I was not acquainted with him.

Q You were young? A Yes, sir.

CROSS EXAMINATION BY A. S. MORRA:

Q Mrs. Finley, where did you all go to before the war, did you leave the Nation? A Before.

Q Yes? A No, I left the Nation after the war began.

Q Left during the war? A Yes.

Q Where did you go to? A Fort Smith.

Q Did you know Martha Albert at that time? A When I left the Nation?

Q Yes? A No.

Q Where was the first time you ever seen Martha Albert? A In '67.

Q Where at? A In Sequoyah district.

Q At what time of the year was it? A It was in the last of March or first of April, I am not sure which.

Q In 1867? A Yes, in '67.

Q Do you know whether she had ever lived in the Nation? A No, I don't.

Q Did her husband work for you all? A Yes, in '67.

Q What was his name? A Colly, that is all the name I ever heard.

Q Just knew him as Colly? A Yes, that is all we called him.

Q Do you know whether or not they were slaves? A No, I don't know.

Q And you saw they came here from the State of Arkansas to work for your father in 1867? A Yes.

Q You don't know whether or not of your own knowledge they had been in the Territory prior to that or not? A No, I only know that he went over in the State and got them.

Q What were they doing in the State? A I don't know.

Q Don't know whether they were living there or not? A I suppose they were living there; went there and got them.

Q Isn't it possible that they could have been over there at work? A It is possible, it is not impossible, of course, they had every thing they had over there.

Q ~~Didn't they purchase in the State?~~ A I don't know.



- Q Had all their possession in the State of Arkansas? A Yes.  
Q Did they move those possession over to your father's place when they came there? A Yes.  
Q What possessions did they have? A They didn't have much, just what they had in the house and one horse.  
Q You don't know whether they left the Territory or not?  
A No.  
Q And you don't know whether they came back in 1866 or not? A No.  
Q And the first you knew about them was when they worked on your father's place in 1867? A Yes.

HARRY STILL, called as a witness on the part of Applicants being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Harry still.  
Q What is your post office? A Hayden.  
Q What is your age? A Well, sir, I don't know exactly, something over 60.  
Q You are a recognized citizen of the Cherokee Nation? A Yes, sir.  
Q Freedman? A Yes, sir.  
Q Is your name on the roll of 1860? A No, sir.  
Q You are a contested citizen? A No, sir.

DIRECT EXAMINATION BY A. S. MORRIS:

- Q Mr. Still, you are called on to give some evidence in the case of Martha Albert; are you acquainted with Martha Albert? A No, sir, I am not.  
Q Did you know Johnson Whitmire? A Yes, sir, I knew Johnson Whitmire.  
Q Did you know any of his slaves? A Yes, sir, I knowed his slaves, I knowed 'em all, he was a brother of my Master.  
Q Did you know this woman Martha? A Martha Whitmire? I didn't know any Martha Whitmire.  
Q Did you know Golly Albert? A I know Golly Albert when I see him.  
Q Did you know him before the war? A No, sir, I didn't.  
Q Did I understand you to first say that you knew Martha Albert, or that you did not know her? A I do not know her; I knew Johnson Whitmire's slaves, but I did not know her.  
Q Do you know Eliza McCrady? A No, sir.

CROSS EXAMINATION BY MR. HASTINGS:

- Q Where did you live before the war? A Lived on Barren York at George Whitmire's place.  
Q What kin was George Whitmire to Johnson? A Brother.  
Q How far did they live apart? A It must have been four or five miles.  
Q Are you well acquainted with Johnson Whitmire? A Yes, sir.  
Q Are you well acquainted with Johnson Whitmire's slaves?  
A Yes, sir.  
Q Did you know him to have a slave by the name of Martha?  
A No, sir, I didn't know one by that name.  
Q Didn't know one by that name? A No, sir.  
Q You lived there in four or five miles? A Yes, sir.  
Q If he had one you would have known it? A Johnson had a good many colored people; I knew most of them, I knew all of them, all he raised.  
Q This woman claims now to be about 54 or 55 years of age, which would have made her 15 or 16 years old when the war come up; you didn't know any Martha Whitmire that was something of that age that belonged to Johnson Whitmire? A No, sir.

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Q How old are you, Harry? A I am something over 50 years old, about 54 as near as I can get at it.

IN DIRECT EXAMINATION BY A. E. ROSS:

Q Did Johnson Whitnair own a slave by the name of Charles Whitnair, or Charles Holan? A If he did, I didn't know, he say. I have heard of Charles Holan, but I don't know who he is.

Q Well, did he own a slave, family slave, by the name of Nancy? A Not as I know of, sir.

Q Now, as I understand you to say, Mr. Still, you didn't know all the slaves of Johnson Whitnair? A Yes, sir; I was acquainted with 'em, they was kin to me.

Q You were kin to all them? A Yes, sir, kin by blood and I know them.

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J. O. Ross, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Ross

Subscribed and sworn to before me this August 19th, 1901.

[Signature]

Commissioner.

File with Cherokee Freedman, D-150, Joshua Barnes.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Fort Gibson, E.T., September 4, 1901.

In the matter of the application of Martha Albert et al. for  
enrollment as Cherokee Freedmen.

Testimony on behalf of Cherokee Nation.

Appearances:

A. S. Moses, attorney for applicants;

V. W. Hastings, of counsel for Cherokee Nation.

WATT WHITMIRE, being duly sworn by Commissioner Needles,  
testified as follows:

Mr. Hastings: What is your name? A Watt Whitmire.

Q What is your present place? A Westville.

Q How old are you? A 48.

Q What is your father's name? A Johnson Whitmire.

Q What was your mother's name? A Charlotte Whitmire.

Q In what district did your father live before the war?

A Going Snake.

Q Was there any other Johnson Whitmire in Going Snake at that  
time, that was grown, an old man with a family? A No, sir, not as  
I know of; there was a Johnson, a son; he is younger than I am.

Q Well, he was born about the time or after the war came up, or  
when? about how old is he? A He is some thirty odd, some 37 or 8.

Q Did your father own some slaves when the war broke out? A Yes,  
sir.

Q Do you know whether or not your father or your mother owned a  
slave by the name of Martha when the war broke out? A No, sir, not  
as I know of; none by that name.

Q Did your father or mother own a slave by the name of Nancy, a  
woman? A No, sir, not as I know of.

Q This Martha, according to her statement, would be some 14 or  
15 years of age at that time? A No, sir, I don't recollect nary  
one by that name.

Q You are Johnson Whitmire's son? A Yes, sir.

Q You were living at home at the time the war broke out? A Yes, sir.

By A. S. Moses: Mr. Whitmire, how many slaves did your father own?

A I don't know the exact number.

Q Were you acquainted with the names of all the slaves of your  
father? A Why I believe I recollect the oldest, I don't know that I  
recollect the smallest children's names, of all.

Q About what was approximately the number of old slaves? A Well,  
I will have to count them up.

Q Well, give an approximate statement? A About 12 or 14 or some-  
where along there; I don't know just exactly.

Q Did he own a slave by the name of Nancy? A Not as I recollect  
of; I don't recollect any such name.

Q About how old were you at the breaking out of the war? A I was  
born in '52; I believe the war broke out in '62, wasn't it; about '61.

Q You were about 8 years old? A 9 or 10 years, somewhere along  
there.

Q Now couldn't he have possibly owned this female girl and you  
not have any recollection of it? A I recollect all the names from  
my age up, but I don't recollect of any such name of Martha. There  
wasn't but two girls, and one was named Mary and one Nannie.

Q They were the only two female colored girls of the age of 12  
or 14 years old? A Well, they were younger than that; Nannie was  
younger than that and Mary was I reckon maybe one or two years older



than me; I don't know exactly, but I just judge from her size.

Q Well now, do I understand you to say this number of fourteen or fifteen adults, or older slaves, did they have any children? A Oh yes, that included men and women together.

Q Included men and women together? A Yes, sir.

Q Did they have any children? A Yes, sir.

Q Do you remember the names of them all? A Well not of all, I remember the names of some of them.

Q About how many children did each family have? A Well, there was one woman by the name of Fronie had one child named Susie, and there was an old lady named Sukie had two or three, and I don't recollect the names of but one boy, his name was Joe, and this girl Nannie I spoke of was the child of old Aunt Sukie; and there was one by the name of Rachel, I don't recollect just how many children she had, but one or two or three, somewhere along there; they were quite small when the war broke out.

Q That is all the children? A No, sir, I don't recollect just how many children there were in the whole family of the darkies, but there was Rachel's children, and Aunt Sukie's children, and Fronie's child, one child, I believe is all I recollect of.

Q Well, where did your father's slaves go during the war? A Well I can't tell you exactly; my understanding is they went north.

Q That they all went north? A Yes, sir, part of the men folks left here before I left the old place, and when I left there I left part of the women folks at home, at the old home place.

Q Leave any of the children? A Yes, sir.

Q Have you any recollection what became of them? A No, sir.

Q Did you ever see any of them any more? A No, sir, never saw any more of them any more at all.

Q Did you go away yourself? A Yes, sir, taken away.

Q Where did you go? A Went from there to Cane Hill, Arkansas.

Q When did you return? A After peace was made; went on from Cane Hill south.

Q Have you any acquaintance with this alleged party to this suit, Martha Albert; are you acquainted with her? A No, sir.

Q Don't know her? A Don't know her at all.

Q How long have you lived in the Cherokee Nation now since your return from Cane Hill; was that the place you went to? A Went from the Nation to Cane Hill and from Cane Hill went south in the Choctaw Nation.

Q Then when did you return from the Choctaw Nation to the Cherokee Nation? A Returned in '67.

Q To what point? A Back at the old home place in Going Snake district.

Q You have lived here continuously ever since? A Yes, sir.

Q Were you extensively acquainted with the colored people in and around, or rather in Going Snake district? A Yes, sir.

Mr. Hastings: Now as I understand you, Mr. Whitmire, you stated that you remember all of the slaves that were of your age and older, but those that you don't remember were those that were younger or smaller? A Yes, sir; I remember some that were younger than I was, then that I called a grand while ago.

Q You are positive your parents didn't own a slave by the name of Nancy? A No, sir, none that I know of, there wasn't any Nancy on the place, and I believe I can call the names of all the women.

Q Are you positive your parents didn't own a girl older than yourself named Martha? A No, sir, wasn't any on the place named Martha.

J. W. ALBERTY, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A J. W. Alberty.

Q Mr. Alberty, what is your age? A Well, I am 67 years old.

Q What is your postoffice? A My postoffice is Westville, Indian Territory.

Q What district do you live in? A I live in Going Snake district.

Q You a Cherokee by blood? A Yes, sir.

Q Mr. Alberty, where did you live in the Cherokee Nation before the war? A In Going Snake district.

Q Near where you now live? A Yes, sir.

Q Did you know Johnson Whitmire? A Yes, sir.

Q Did you know him before the war? A Yes, sir.

Q How far did you live from him? A Well, it was about ten or twelve miles, I reckon we called it.

Q Did you know his family? A Well, yes I knew his family.

Q This witness here before, named Watt Whitmire, was he a son of Johnson Whitmire? A Yes, sir.

Q I will ask you if you were acquainted with a colored man by the name of Charles Boland before the war? A Yes, sir, he was a mixed blood, free.

Q I will ask you if you knew a colored woman by the name of Nancy Whitmire, alleged to have belonged to Johnson Whitmire before the war? A Yes, sir, I knew her.

Q Now, if you know what became of Nancy Whitmire and Charles Boland I wish you would make a statement to the Commission? A The Whitmire boys sold Nancy to a man named Dillingham, and he moved right across the line from where I lived, five or six miles, and owned them there until he moved off to Texas, Charles Boland and Nancy; I knew them better after Dillingham got them than I did before.

Q Who sold them to Dillingham? A The Whitmire boys, George Whitmore and Johnson Whitmire; they were brothers and they sold them at the time they divided up the property.

Q Now about how long before the war was that they sold them, about what year? A I reckon it must have been in '47 or '8, I haven't got the dates, I wasn't expecting anything of this kind, and I didn't get the dates, but it must have been in '47 or '8.

Q What was Dillingham's citizenship? A He had none.

Q Was he a white man or Cherokee or what? A He was a white man and lived in the state.

Q What state? A Arkansas.

Q Lived across the line in the State of Arkansas? A Across the line, yes, sir, in the State of Arkansas.

Q Do you know what finally became of him out there? A Mr. Dillingham, in about '50 or '51 moved to Texas and carried the family, and Boland went with them, he was free but he followed this family off to Texas.

Q Do you know whether he had Nancy for a wife or not? A Yes, Boland had this Nancy for a wife, and claimed the family, and when Dillingham carried the family off he went with them.

Q How far did this man by the name of Dillingham live from you? A About five or six miles.

Q Now how far did you live from the Cherokee line up there? A Well about that time I only lived about half a mile, right at it.

Q On the west side of the Cherokee and Arkansas line? A On the west side of the Cherokee line.

Q And Dillingham lived on the Arkansas side? A On the Arkansas side, just over near what is called Dutch Town or Salem.

Q He laid no claim to Cherokee citizenship? A No, sir, not a bit; he had a son that was adopted, but the old man had none.

Q And I believe you stated that along about '50 Dillingham carried these people to Texas? A He carried them to Texas.

By A. S. McRea: I understand you to say Johnson Whitmire sold Nancy? A Yes, sir.

Q Nancy Sheppard then did belong to Johnson Whitmire? A Yes, sir, she did belong to Johnson Whitmire; there were two brothers of the children, George and Johnson Whitmire, and they owned an interest in them and they both sold their interests.

Q About what year was that? A Well sir, I can't positively say, but it was in or about '47 or '8; I have nothing to guide me by.

Q Do you know Martha, the child of Nancy? A No, sir, they were all small when they went off, I don't know any but a boy they called Ellis; Dillingham brought him back with him just a little while before the war came up.

Q Did Nancy have children when Johnson sold her? A Yes, sir.

Q Did he sell the children with her? A Yes, sir.

Q Nancy's whole family was sold? A The whole family went, yes sir.

By A. S. McRea: Mr. Alberty, where do you live? A I live in the eastern part of the Cherokee Nation here.

Q And you say Johnson Whitmire sold Nancy, the alleged mother of the applicant, Martha Albert, in 1847? A I didn't say the time he sold her, because I don't know that, he sold Nancy, Charles Boland's wife to Dillingham, and the children, but I don't know nothing about Martha at all. I didn't say the mother of her, but if she is the daughter of Nancy, why she --

Commissioner: Was sold with the balance, was she? A Yes, sir, sold with the balance; the whole family was sold.

A. S. McRea: To whom did you say they were sold? A Dillingham.

Q Where did he live? A He lived in Texas.

Q Do you know of your own knowledge that this woman, Nancy, went to Texas? A Yes.

Q How do you know that? A I saw them start.

Q Did you see them arrive? A I didn't see them arrive in Texas, but I saw them start on the road.

Q Do you know whether or not, of your own knowledge that they arrived there? A No, sir, I can't say that, ~~because~~ but I guess from all the circumstances they did.

Q What fixes it on your mind so very definitely that they were sold in '47? A Well, just as I said before, I said I wasn't positive about that, but it was in or about that time.

Q For how much was she sold? A Well I can't exactly say now what they did bring, because they got some horses and some cattle and some money.

Q How many horses? A I can't answer that question.

Q How many cattle? A I don't know.

Q How much money? A Well, I don't know that that would amount to anything, because it was satisfactory to them.

Q You say they were sold and we want to know what was the status of the sale? A Well I don't know the amount that they got for them, I can't say.

Q Did you see any money exchanged? A No, sir, but after that they changed hands, the darkies went.

Q It is true, they could possibly have changed hands without any sale? A Well hardly then days.

Q Then in so many words, you don't know whether that was a bona fide sale or not or your own knowledge? A Well, of my own knowledge, I would have to say it was a bona fide sale, or else he wouldn't have taken them out of the Cherokee Nation.

(Foregoing answer read by stenographer at request of attorney for applicant.)

Witness: Yes, sir.

McRea: He said you would suppose it was a bona fide sale.

Commissioner: Was that your answer?

Witness: A Yes, sir.

Commissioner: How long after the sale was it before Mr. Dillingham taken them to Texas? A It must have been 2 or 3 years, they lived right there close neighbors to us two or three years after they

bought them.

Q With whom? A With Dillingham, in the State of Arkansas.

Q Then when the sale was made Dillingham at that time was living in Arkansas? A Yes, sir.

Q Is your first statement that he was living in Texas correct, at the time of the sale? A No, sir, I didn't make that, he was living in Arkansas and moved to Texas, I said, in about '50 or '51 and taken then with him in about '50 or '51.

McRea: I would like to examine the face of the record.

Commissioner: The record shows for himself. If the witness contradicts himself the record shows it. I think the witness did state when you asked him where Dillingham lived, that he lived in Texas, but you didn't specify the exact time when he lived, but the witness stated plainly now at the time Dillingham bought the slaves he lived in Arkansas and moved to Texas a few years after.

McRea: Did you ever see Nancy Whitmore any more? A Well, I never saw her after he moved off to Texas with her.

Q Are you acquainted with Martha Albert, the applicant in this behalf? A No, sir.

Commissioner: You don't know Martha at all then? A No, sir; well there were several children, but I don't recollect their names; there were several children then only they were small.

Q You have never seen the averred mother of Martha, Nancy, after Dillingham took her to Texas? A No, sir.

McRea: And you don't know whether or not this woman, Martha, was one of the number of these children that accompanied the mother, Nancy, to Texas or not? A No, sir, I don't.

Commissioner: Did Nancy have children to your recollection?

A Yes, sir.

Q You don't recollect how many? A Well, no I don't, there was three or four, four children, there might have been more and might have been less.

Q Know whether they were boys or girls? A There was one boy.

Mr. Hastings: I believe you states that these children that she had went with her? A Yes, they all went with her.

McRea: About what was the age of these children? A Well, they were small, they were not very large.

Q 3, 4, 5, 6 until or 10 years, something like that? A Well, he must have been 6 or 7 or 8 years old, maybe 10, I can't state that.

Q Was that a girl or a boy? A I think the oldest one was a girl.

Commissioner: This testimony will be made part of the testimony in the cases, D-99, D-100, D-101, D-102, D-103, D-104, D-105, D-114, D-150, D-151, D-152, D-146, D-182. Attorney McRea for applicant objects to testimony being filed in the case of Robert Barnes et al., and the objection is overruled.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and correct transcript from his stenographic notes thereof.

*Bruce C. Jones*

Sworn to and subscribed before me this 5th of September, 1901.

*W. D. Jones*  
Commissioner.



File with Cherokee Freedman D- 150, Joshua Barnes.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Port Gibson, I.T., September 11, 1901.

In the matter of the application of Martha Albert et al. for enrollment as Cherokee Freedmen.

Supplementary evidence introduced on behalf of applicants.

Appearances:

A. S. McRea, attorney for applicants;  
W. W. Hastings, of counsel for Cherokee Nation.

The Commission: Now Mr. McRea, state briefly what you desire to prove by this witness.

A. S. McRea: Applicant desires to offer testimony in behalf of herself et al., by Sam Barnes, showing that mother of applicants did return to the Cherokee Nation within the time of the treaty stipulations, and that so far as the sale of she and her mother to one Dillingham, it is untrue.

The Commission: When you speak of the applicant, I suppose you mean Martha Albert?

McRea: Yes, Martha Albert and others.

Mr. Hastings: The Cherokee Nation objects to the applicant being allowed to introduce any testimony in this case on the question of the return of any of the applicants, for the reason that applicants introduced their testimony on both ownership and return, and the Cherokee Nation introduced testimony on both, and the only testimony which can legally be introduced by the applicant now as testimony in rebuttal of new matter brought out by the Cherokee Nation in its testimony.

The Commission: The objection of the Cherokee Nation will be noted.

S. B. BARNES, appearing before the Commission and being duly sworn and examined, testified as follows:

A. S. McRea: Give us your name, Mr. Barnes? A S. B. Barnes.

Q Your age? A About 57, going on 58.

Q Postoffice address? A Benga.

Q Mr. Barnes, are you acquainted with the applicant, Martha Albert? A Yes, sir.

Q How long have you known her? A I have known her going on 37 years.

Q Do you know whether or not she was a slave in the Cherokee Nation before the war of the rebellion?

Mr. Hastings- I object to that, both because the very testimony itself shows that he didn't know that; said he hadn't known her but 37 years.

Commission: Ask him the question.

Q Where was she when you first knew her? A She was down here right close to Cherokee.

Q Where is that? A That is down right on the line, at the Cherokee Junction.

Q Was that in the Cherokee Nation? A Yes, sir.

Q Did you know her mother? A Yes, sir.

Q What was her mother's name? A Nancy.

Q How long had you known the mother? A I got acquainted with her in '65.

Q Where was she when you first met her? A I met her down there.

Q In the Cherokee Nation? A Yes, sir.

Q Do you know whether or not they went out of the Cherokee Nation

or not?

Mr. Hastings: He says he never met them till '64 and '65; you ought to know that he can't testify to that.

McRea: He might have heard; we have been taking hearsay testimony.

Commission: Answer the question.

A I don't know.

Q Did you ever hear of the mother of your wife, Sarah Barnes, having been sold to a man by the name of Dillingham?

Mr. Hastings: Objected to by the Cherokee Nation on the ground of hearsay.

Commission: Ask him if he knows.

Q Do you know? A No, sir, I don't know it.

Q Did your wife ever tell you they were sold.

McRea: What his wife told him is admissible.

Mr. Hastings: Objected to by the Cherokee Nation on the ground that it is clearly inadmissible, it being hearsay testimony, and a declaration in interest of the party.

Commission: Let him answer the question.

Q Did your wife ever tell you whether or not she and her mother were sold to Dillingham of Arkansas? A No sir, she never did.

Q I will ask you if you and your wife ever had any conversation pertaining to her citizenship?

Mr. Hastings: Objected to by the Cherokee Nation for the reason that it is clearly hearsay and inadmissible.

McRea: That is not hearsay testimony.

Commission: I will let him answer the question.

Mr. Davenport, Cherokee attorney: I will object on the ground that he can't testify for or against his wife, under the rules of law. I think I recollect that the Commission has served notice that it would follow the ordinary rules of evidence.

McRea: The Commission served notice that it would not confine itself to the different rulings and technicalities of law in trying testimony in this matter.

Commission: Go on with the examination, Mr. McRea.

(Question read to witness by stenographer.)

A Why of course, she met the John Chambers Court at Tahlequah.

Q Where did you marry your wife? A Marry her; we were engaged here in the Cherokee Nation but we were married at Fort Smith.

Q She was living in the Cherokee Nation when you courted her?

A Yes, sir.

Q Now when did you marry her? A I married her in November, '66.

Mr. Hastings: Where did you live before the war? A I lived in Texas.

Q What county? A Fannin County.

Q What was your owner's name? A Higginbotham.

Q What was his first name? A Thomas Higginbotham.

Q What was the nearest town to you? A Bonham.

Q Did you know Jerry Starr down there? A No, sir.

Q Did you see your wife down there? A No, sir.

Q You didn't? A No, sir.

Q Did you see Nancy Whitmire, or Nancy Boland, down there? A No, sir.

Q See Martha Albert? A No, sir.

Q How old are you? A I have turned 58 years old.

Q What is your father's name? A My father, Bob McRea.

Q When did you leave Texas? A I left Texas directly after the war ended.

Q Well, did you make a crop down there the year the war ended?

A I wasn't big enough, I didn't make no crop.

Q Who were you living with? A I was living with my old mistress.

Q She wasn't a Cherokee? A No, sir.

Q Well, did you make a crop with your old mistress, or for her, that year? A Yes, sir.

McRae: I object to all that; it is irrelevant to the question at issue.

Commission: Answer the question.

Q You made a crop for her you said? A Yes, sir.

Q The year the war ended? A Yes, sir.

Q Now then you stayed there then that year? A I lost there just at the war was up.

Q I thought you said you made a crop there? A I did.

Q Then you laid that crop by, did you? A The war came to an end in the spring of '65 if I understand anything.

Q Well, how did you come to leave Texas and who did you go with?

A I come by myself.

Q Just alone? A Yes, sir.

Q Come apart? A No, sir.

Q How did you come? A I had a horse.

Q Well, where did you come to? A I come to Fort Smith.

Q You had never been to Fort Smith before? A No, sir.

Q You had never heard of Fort Smith in your life before? A Oh yes sir, I hadn't been dead I don't reckon, I was a man.

Q How far below Fort Smith did you live when you lived in Texas?

A From Fort Smith?

Q Yes? A You mean just out on the river?

Q In Texas? A It is about 200 miles.

McRae: I object to that, the question is misleading in its nature, and I object to it.

Commission: He has already answered the question.

Q You came direct to Fort Smith? A Yes, sir.

Q Who did you work for there? A I worked for Bill Belt, five miles out south of town.

Q How long did you work for him? A I worked there a couple of weeks, or about a week, or couple of weeks.

Q Then where did you go? A I crossed over here in the Cherokee Nation.

Q What induced you to leave down there and leave your folks and go to Fort Smith at that time? A Just because I had a notion to go to Fort Smith.

Q Then what induced you to leave Fort Smith after being there only two weeks and go over on the Nation side? A Just because I wanted to go.

Q You didn't know anybody ever there, did you? A No sir.

Q You had never seen a soul? A Of course I had seen people.

Q You had never seen one of them over there at Fort Smith?

A Not from across the Cherokee Nation side, across the river; why I saw people down in Fort South out of the Cherokee Nation.

Q Who did you meet that lived on this side of the river, at Fort Smith? A I met Tom Stoneroad and Mrs. Franklin, I don't know how many people I didn't meet.

Q Whose place did you go to on this side of the river first? A I was at Mr. Stoneroad's place the first place I was at, right on the line.

Q How long did you stay there? A I didn't stay there but an hour or two.

Q Then where did you go? A I went back to town.

Q How long did you work there in town? A I don't know exactly how long.

Q A year? A I don't know exactly how long I worked in town.

Q 25 years? A I might not have worked there more than two hours, I don't know.

Q Don't know whether it was an hour or 25 years? A Yes, sir, I do know how long.

McRae: He has answered that he don't know.

Commission: Let him answer the question.

Q About how long? A I worked there two or three different times,

sometimes I would be in town a week and sometimes not but a day or two and sometimes two or three days.

Q Where were you making headquarters, or home? A I made headquarters sometimes out at Bill Belt's and after that I worked for Tom Stoneroad some right on the line of the Cherokee Nation.

Q How long did you say a while ago you had been married? A I said I married in November, '66.

Q How many years did you say that was? A I didn't say nothing about the years.

Q Who married you? A I was married by the clerk.

Q What was his name? A I don't know his name.

Q Clerk of what court? A Clerk of the court there, at Fort Smith.

Q On the Arkansas side? A Yes, sir.

Q You got a license over there, and he married you? A I think I got license.

Q Now what is your full name? A Sam Barnes is my full name.

Q What is your wife's name? A Her name was Jennie.

Q Jennie what? A Jennie Boland.

Q She is a sister to Martha Albert? A Yes, sir.

Q Younger than Martha? A Yes, sir.

Q Have you ever been married before? A Yes, sir, had been married twice before.

Q Where had you been married? A In Texas.

Q What was your first wife's name? A Anna.

Q She dead? A Yes, sir.

Q What was your second wife's name? A Name was Mandy.

Q That year was it they had that investigation, that Chambers court you speak of? A That was in '78.

Q Was your wife admitted or rejected? A Must have been rejected by us having to be here.

Q Did you make a statement up there before that court? A Yes sir.

Q You never saw your wife before the war? A No sir.

McRea: Did you see the mother, Nancy Boland, of your wife and Martha Albert, here in 1886? A I seen her here, yes sir.

Q In the Cherokee Nation? A Yes, sir.

Q Is she living now? A Who is that?

Q The mother, Nancy Boland? A Oh no, she died in '66.

Q Where was she buried? A Buried on this side the river there somewhere.

Q In the Cherokee Nation? A Yes, sir.

Q Did you see the father, Charles Boland I believe was his name? A Yes, sir.

Q In '66 here in the Cherokee Nation? A Yes, sir.

Q Is he alive now? A No, sir, he is dead.

Q When did he die? A He died in '72.

Q Where was he buried? A He is buried on Lees Creek.

Q In the Cherokee Nation? A Yes, sir.

Mr. Hastings: On whose place is Nancy Boland, the mother of Martha Albert and also of your wife, buried; who owns that place now?

A She was buried at what was called the Jack Campbell graveyard, my wife.

Q This Nancy Boland, where is she buried? A She is buried I think at Mrs. Franklin's graveyard.

Q Do you know it? A That is where I was told she was buried.

Q What time did she die? A She died in '66.

Q Spring, summer or fall; before you married or after? A Just before I married.

Q Did you ever see her? A Seen her many a time.

Q In Texas? A No sir, Never seen her in Texas.

\*\*\*\*\*

Mr. Hastings: Notice is hereby served on the attorney



in the case of Martha Albert and the referred cases, that the Cherokee Nation desires to introduce testimony in them on Friday, the 13th inst., between the hours of eight in the morning and five in the afternoon.

Rebbed: The applicant will on said date introduce additional testimony in the case at bar.

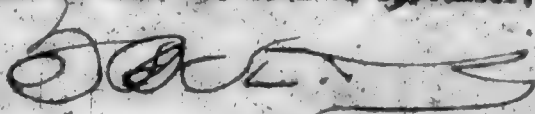
Commission: This testimony will be filed in the following Cherokee Freedmen cases: D-42, D-140, D-182, D-49, D-100, D-161, D-108, D-195, D-104, D-105, D-114, D-150, D-151, D-152.

\*\*\*\*\*

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this the 13th of September, 1901.



Commissioner.

FILED  
SEP 23 1901

[illegible]

File with case of Joshua Barnes, C.F.-D.#150.

Supl. C.F.-D.#42.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
FORT GIBSON, I.T., SEPTEMBER 17, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of  
MARTHA ALBERT, et al., as Cherokee Freedmen, introduced on the  
part of the Cherokee Nation.

APPEARANCES:

V. W. Hastings, Attorney for Cherokee Nation;  
A. S. McRen, Attorney for applicants.

J. W. HUGHES, being duly sworn, testified as follows on  
part of the Cherokee Nation. BY MR. HASTINGS:

Q What is your name? A J. W. Hughes.

Q Post office? A Ramey.

Q What is your age? A 55.

Q Are you a citizen of the Cherokee Nation? A Well my wife and  
children are, I wasn't married according to the Cherokee laws.

Q When were you married? A I were married in '69, July, '69.

Q Where did you live that year after you were married? A I lived  
in the Indian Territory on Joe Purdue's place on Webber creek, in  
a mile and a half or two mile beyond Big Lees creek.

Q That is in Sequoyah district? A Yes, sir.

Q And about how far from Fort Smith, Arkansas? A Well, according  
to the line straight through, about eight miles.

Q Do you know Colly Albert, a colored man? A Yes, sir, I was  
acquainted with him there.

Q Were you acquainted with his wife, Martha Albert? A Yes, sir.

Q Did you know Martha Albert's father? A Yes, sir, that is what  
they claimed to be her father.

Q Well, what was his name? A His name was Boldan, I could not  
tell you what his given name was. He claimed his name was Boldan.

Q Well, he was recognized there as the father of Martha Albert?  
A Yes, sir.

Q Did you know Martha Albert's sister, Jennie Barnes?

A Yes, sir, I was well acquainted with them, lived in a half mile  
of them about four years.

Q Did these children do any work for you in these early days,  
'69 or '70? A Well, in the year of '70 when I was living there  
on the place they were living a quarter or half a mile below me, I  
rented a place from Joe Purdue and they were living joining that  
place, and I hired them to chop cotton for me and also to pick cot-  
ton and work; and do some other work making rails and fixing fence,  
and I worked there with them two or three years; they worked for me.

Q Did you ever have any talk, or hear any members of this family  
make any statement as to where they come from and their whereabouts  
prior to that time? A I have heard Boldan and his daughter, Colly  
Albert's wife, I never have heard Colly speak anything concerning it  
as I remember at this time.

Q Well, from Boldan or Colly's wife, Albert? A I heard Boldan-

Mr. McRen: I object to anything Boldan said.

Commission: Note the objection and answer the question.

A I heard him saying he was in Texas; he claimed himself to be part  
Cherokee, if I mistake not, and that he was not a slave; he claimed  
that he was not but his wife and children seems to me he had two  
children—and they were sold out of here and was carried to Texas  
by somebody, and I don't remember just who he said carried them  
away, but the best I remember about it that he had two children,  
Martha and Jennie, two girls, if I mistake not, as near as I can  
possibly think of it not at the present, and that he went along for  
his children's sake was what I seemed to understand from his talk.

and that he still lived there until the war closed and moved back, but I never was acquainted with him until '69 or '70.

Q Well, did he say when they went to Texas? A No, sir, I don't remember.

Q Well, as to the war, or before the war? A It must have been before the war.

Q Did he say that his wife and children were sold? A I think he did, I won't be positive about that, but I think he did. I remember one thing he told me, he was mighty jokey and working for me there picking cotton and chopping cotton and talking about his ups and downs down there in Texas, and what makes me think that you know, I asked him you come from down here in Texas and he spoke about his wife and children being sold out, and if I mistake not, he told me before the war they were sold out, I won't be positive about that, but it seems to me that he did, and then at the close of the war, or after the war a while, he come back, but I don't remember anything about the time, date, I never was acquainted with him until '69, we made a crop there that year and how come me to get acquainted with him in what I say, I had rented that place of Joe Purdue's on the creek and we made a crop there that year, and I made a crop there in '70.

Q Well, did you ever hear Martha Albert say anything about her whereabouts, where she came from? Well she claimed, if I understand it, she claimed that she come from Texas.

Q Do you remember whether you ever heard Jennie Barnes say anything about where she come from? A I never heard Jennie Barnes say anything about it, she was not about our house, but these others they worked for me a great deal.

Q Do you remember whether Ealdan made any statement as to who his wife formerly belonged to up here in this country before the war? A I just don't remember.

Mr. McRea: I object to that.

Commission. Your objection will be noted.

A It seems to me that she was a white girl, I won't be positive about that now.

MR. McREA: Mr. Hughes, you say your first acquaintance with Martha Albert and her family was in '69 or '70? A First acquaintance was '69, and in the fall of '69.

Q You knew nothing of them before that? A No, sir, I did not know them before '69, I could not tell you just what time of the year, but it must to have been, the best knowledge I have about it now, was in '69, and what makes me think so I was married in '69, in July.

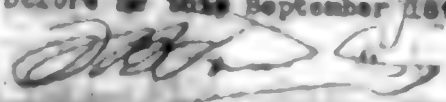
Q When was the last time you saw Martha Albert? A I suppose it must have been two or three years ago the last time I remember seeing her, two or three years ago.

Q Did you ever give testimony in this matter before? A I never have, never was called on.

Commission: This testimony will be made a part of the record in the following cases: D.#42, D.#146, D.#182, D.#99, D.#103, D.#101, D.#102, D.#105, D.#104, D.#106, D.#114, D.#150, D.#151, D.#152.

J. O. Beegh, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this September 18th, 1901.



Commissioner



COPY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Martha Albert, et al.,  
for enrollment as Cherokee Freedmen, consolidating the applications  
of

Martha Albert, et al.,	Cherokee Freedmen D- 42
Robert Barnes,	Cherokee Freedmen D- 99
Lula Knalls, et al.,	Cherokee Freedmen D-100
Nancy Borkum, et al.,	Cherokee Freedmen D-101
Harry Albert, et al.,	Cherokee Freedmen D-102
John Barnes, et al.,	Cherokee Freedmen D-103
Jerry Albert,	Cherokee Freedmen D-104
Lillie White, et al.,	Cherokee Freedmen D-105
Malinda McLain, et al.,	Cherokee Freedmen D-114
Frank Gardner,	Cherokee Freedmen D-146
Joshua Barnes,	Cherokee Freedmen D-150
Sarah Brown, et al.,	Cherokee Freedmen D-151
Minnie Barnes,	Cherokee Freedmen D-152
Maggie Bell, et al.,	Cherokee Freedmen D-153

D E C I S I O N .

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission, by Martha Albert, for herself and minor children, Elijah and Ida Albert; by Robert Barnes for himself; by Lula Knalls, for herself and minor children, Sarah French and Fred E. Knalls; by Nancy Borkum, for herself and minor children, Annie and Walter Borkum; by Henry Albert, for himself and minor children, Harry and Raymond Albert; that subsequent to the date of the original application a birth affidavit, which is made a part of the record herein, was filed with the Commission, showing the birth of Leway Albert; by John Barnes, for himself and minor child, Gussie A. Barnes; that subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission, showing the birth of John A. Barnes; by Jerry Albert, for himself; by Lillie White, for herself and minor children, Mattie and Nancy White; that subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission, showing the birth of Anna White; by Charles McLain, for his wife, Malinda McLain, and minor children, Samuel, Ella, Christina, Charles, Turner, and Jennette McLain; by Frank Gardner, for himself; by Joshua Barnes, for himself; by Sarah Brown, for herself and minor child, Maggie Williams; by Minnie Barnes, for herself; by George G. Bell, for his wife, Maggie Bell; that subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission, showing the birth of George L. Bell.



The evidence shows that the applicant, Martha Albert, and her sister, Jennie Barnes, now deceased, were not slaves of Cherokee citizens or free colored persons residing in the Cherokee Nation at the commencement of the war of the rebellion. All the other applicants herein have been born since the commencement of the rebellion and are descendants of and claim right to enrollment through either the said Martha Albert or Jennie Barnes.

Some of the names of said applicants herein are found on the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Martha Albert, Elijah Albert, Ida Albert, Robert Barnes, Lula Knalls, Sarah French, Fred H. Knalls, Nancy Berkum, Annie Berkum, Walter Berkum, Henry Albert, Harry Albert, Raymond Albert, Levey Albert, John Barnes, Cassie A. Barnes, John A. Barnes, Jerry Albert, Lillie White, Mattie White, Nancy White, Ames White, Malinda McLain, Samuel McLain, Ella McLain, Christiana McLain, Charles McLain, Turner McLain, Jennetta McLain, Frank Gardner, Joshua Barnes, Sarah Brown, Maggie Williams, Minnie Barnes, Maggie Bell and George L. Bell, as Cherokee Freedmen, should be denied under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 496), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Wm.

Tamm

T. B. Needles

C. H. ...

...

Muskogee, Indian Territory,

this JAN 11 1904

**FILED**  
MAY 11 1905  
COMMISSION TO FIVE TRIBES.

Cherokee Freedmen 2-418 to 431  
both inclusive.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Indian Territory, April 27, 1908.

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In the matter of the application for the enrollment of  
Martha Albert et al. as Cherokee Freedmen,  
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It appears from the records of the Commission that on the  
11 day of January, 1904, the Commission rendered a decision in the  
above case, denying all the applicants therein, which decision of the  
Commission was approved by the Secretary of the Interior on June 21,  
1904. It further appears that on March 25, 1908, this application  
was remanded by the Secretary of the Interior for further hearing.

Now on this, the 27th. day of April, 1908, the applicants  
appeared in person and by their attorneys, Neal & London. The  
Cherokee Nation represented by Bell, Hastings & Davenport.

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Witness for applicants.

A. J. Alberty, being duly sworn, testified as follows:

MR. NEAL:

- Q What is your name? A A. J. Alberty.  
Q Where do you live? A Near Stilwell.  
Q How long have you lived in the Cherokee Nation? A I was born  
there.  
Q How old are you? A About 60 years old.  
Q You are a Cherokee by blood? A Yes sir.  
Q Were you acquainted with Johnson Whitmire before the war? A Yes  
sir.  
Q How far did you live from him before the war? A I guess a couple  
of miles.  
Q Were you acquainted with his slaves? A Yes sir.  
Q Do you remember anything about his selling some slaves into Arkansas  
some time before the war? A Yes sir.  
Q To whom did he sell those slaves? A A man by the name of Dalling-  
ham.  
Q Do you know whether there was a slave named Nancy sold to that man?  
A I think so.  
Q Do you know this applicant? A Yes sir.  
Q Did you know her before the war? A Yes sir.  
Q To whom did she belong previous to the Rebellion? A Johnson  
Whitmire.  
Q Was he a Cherokee Indian. A Yes sir.  
Q Was she sold by Whitmire previous to the Rebellion? A Yes sir,  
I think she was.  
Q Do you mean this applicant? A No sir.

Q Did he have two slaves by the name of Martha? A Yes sir, one was called big Martha and the other little Martha.  
 Q Which one was sold? A Big Martha was sold.  
 Q Was this one little Martha? A Yes sir.  
 Q Was she sold? A No sir, the other one was sold to Dillingham.  
 Q Do you know who took her out of the Cherokee Nation when the war broke out? A This one?  
 Q Yes? A I think it was Cornelius Wright.  
 Q Was he the boss who took the Whitmire niggers out? A Yes sir.  
 Q Did you, at any time during the war or at the close of the war, see this applicant anywhere, and if so, where? A After the close of the war I was down there in the Cherokee Nation on Red River, and I learned from the Cherokees that there were a lot of refugees there. I looked out for them, and found some of the Whitmire slaves.  
 Q Was that in the Cherokee Nation? A Yes sir.  
 Q When was it? A I think, to the best of my knowledge, that it was in the fall of '65.  
 Q Do you know of your own knowledge when she returned to the Cherokee Nation? A No sir, I don't.  
 Q What was this woman's mother's name? A She went by the name of Nancy.  
 Q What was the name of the other Martha Whitmire's mother? A I think her name was Dicy.  
 Q Her name was Dicy Whitmire before she was sold by Whitmire? A Yes sir.  
 Q Was her name Dicy Whitmire or Dicy Shepherd? A They always went by the name of their master.

MR. WASHINGTON:

Q When is your birthday? A I think it was about '43, but I ain't right sure about it.  
 Q You have never had a birthday since? A No sir.  
 Q You didn't have one last year? A Yes, my birthday comes around I guess.  
 Q When was it? A In August of '43, I think it was.  
 Q But you was about 60 years old? A Yes sir.  
 Q Do you remember about the year that Dicy, the mother of Martha, was sold to Dillingham? A It was two or three years before the war.  
 Q Who else was sold at the time Dicy was sold to Dillingham? A There were two or three children.  
 Q What were their names? A One of them was called Martha.  
 Q Where did you live at the time? A Right up above Whitmire's up in Going Snake District.  
 Q Watt Whitmire lived there with his father didn't he? A If he did he was very young.  
 Q You say it was only three or four years before the war? A Well, I don't know his age.  
 Q Who did you get a letter from about a week ago to hunt up testimony in this case? A I didn't get one from anybody.  
 Q Did you ever get one from anybody with reference to hunting up testimony in this case? A I saw Mr. Rogers.  
 Q What Mr. Rogers? A That man over there behind Mr. Neal.  
 Q What interest did he have in the case? A I couldn't tell you.  
 Q He just asked me to go over there and see if I could find anybody that knew these people.  
 Q Who did you go to to ask? A Mrs. Susie Walkingstick.  
 Q What interest did you have in going around over the neighborhood asking people if they knew about the people in this case? A They had asked me to do it as a favor.  
 Q Did you have any interest in the case? A No sir.

Q How many slaves did Johnson Whitmire have when the war came up?  
A I don't know --- several.

Q Let's have the names of some of them? A One was called Dicy, and Nancy, Emma, Rachel. I believe that is all I know the names of. There were several more, but I don't remember their names.

Q How far did Jack Alberty live from Johnson Whitmire? A About 3 miles.

Q How far did Jeff Tik-see-sky live from Johnson Whitmire? A About three or four miles.

Q Do you swear that Johnson Whitmire owned this slave and her mother when the war came up? A Of course he owned them.

Q You will swear that? A Of course I will.

Q And he owned her mother at that time? A Yes sir.

Q Was she very old? A Not very.

Q Did she have any more children? A I don't know. I wasn't that well acquainted with her. I was over there a good deal, but I didn't know about her business.

Q Don't you know whether she had any other children besides this Martha? A I don't know.

Q Didn't she have one older than Martha? A I don't know.

Q And didn't she have two younger than Martha? A I don't know.

Q But you knew Nancy and Martha? A Yes sir, but I met them out on Red River after peace was made, and that is how I knew so much about them.

Q You didn't know that she had a brother or any sisters? A She had some brothers I guess.

Q What were their names? A One went by the name of Nelson, one was Aaron, and one was Lewis.

Q Who did they belong to? A I think they were kinder in partnership between Johnson Whitmire and George Whitmire.

Q Did you know the father of Johnson and George Whitmire? A No sir.

Q He died long before the war, didn't he? A I guess so. I never knew him at all.

Q When did Dillingham get Dicy? A I don't know about that.

Q Who took this applicant and her mother south? A Cornelius Wright.

Q Is that Gale Wright's father? A Yes sir.

Q Then Gale Wright would know about that? A I guess he would.

Q How do you know they went south with Cornelius Wright? A They told me so.

Q How old was this applicant when the war came up? A I could not tell you. I was about 15 years old, and she wasn't as large as me.

Q Was she five years old? A I don't know.

Q Was she three? A I don't know.

Q Was she two? A I have no idea about her age.

Q Do you mean to tell this Commission under oath that you know this particular girl and yet can't tell whether she was 15 or two years of age? A She was over two.

Q What is your best judgement, if you are going to tell the truth?  
A I guess she was 13 or 14 years old.

Q You say she went south with Cornelius Wright? A Yes sir.

Q Did Gale go with his father? A I don't know whether he did or not.

Q Weren't you in the neighborhood? A No sir, I was a soldier.

Q Who was the reputed father of this applicant? A I never knew him.

Q Did you ever know of a free nigger by the name of Charley Bowland?  
A No sir.

Q He didn't live around there? A He might have, but I didn't know him.

Q He didn't go over with Dillingham? A I don't know.

Q You would have known it if he had? A I might not have seen them when they left, but just heard of it.

Q You know that Dicy went off with Dillingham? A Yes sir.

Q And she had a child by the name of Martha? A Yes sir.

Q And you swear that this Nancy and her child Martha were living there with Johnson Whitmire in Sealing Snake District when the war



came up? A Yes sir.

Q And yet you do not know how old she was? A I guess she was 13 or 14 years old.

Q How long was it immediately before the war that you saw this child at Johnson Whitmire's? A I was around there several times, and I don't just know when was the last time.

Q When was the last time you were at Johnson Whitmire's before the war? A I couldn't tell you that.

Q You must tell me what is your best judgement. You are under oath now? A In those days I didn't keep any account of my whereabouts. I was a young man, and didn't keep no account.

Q Were you in the country when the war came up? A Yes sir.

Q How long before the war came up was it that you were at Johnson Whitmire's? A Just a short time.

Q How long before the war was it that you saw Nancy at Johnson Whitmire's? A I couldn't tell you.

Q Was it ten years? A It might have been.

Q It might have been 15 years? A It might have been.

Q You are not going to be positive on that point? A No sir.

Q It might have been as much as four or five years before the war that you last saw Nancy and this child at Johnson Whitmire's? A It might have been a year or six months.

Q When you were at Jeff Tik-nee-sky's you didn't know anything about these people? A Yes I did.

Q Did you tell him that you knew them -- that you knew this applicant's mother? A Yes sir.

Q Did you tell Jeff what you have told on this stand? A I told him that I knew of one being named Nancy, and I told him the other one, I told him of the one that Dillingham took out -- that that one was called Pico and her daughter was called Martha.

MR. NEAL:

Q Did you go into the army when the war first broke out? A Yes sir.

Q Were you around there until you went off to soldiering? A Yes sir.

Q Then you were in that neighborhood until the war broke out? A Yes sir.

Q In your cross examination you told Mr. Hastings that it might have been 10 or 15 years or six months that you lived within two miles of Johnson Whitmire and didn't go down there. Do you mean that you lived there that long and didn't go about his place? A Yes sir.

Q Then you don't know whether you stayed there five years before the war or not? A No, I couldn't tell you how long it was. I was over there now and then.

Q Every four or five years or what? A Maybe every two or three weeks.

Q Were you over there every two or three weeks before the war broke out? A Yes sir, maybe it would be a month.

Q Do you mean to say that before the war broke out you were over there every three or four weeks or every four or five years? A It was a short time.

Q Were you over there every week or two or every year or two? A Every week or two.

Q When you said you didn't know how long it was, you meant that you didn't know how many days it was before you went to the army? A Yes sir.

Q Did you see Nancy within a month or six weeks before you went away? A Yes sir, I think so. It has been a long time ago and a man can't remember all of these things. Lots of things have slipped my memory.

MR. HASTINGS:

- Q Wasn't Watt Whitmire, being a son of Johnson Whitmire, in a little better position to know that slaves his father had than you were?  
A I guess he would. He knew them better than I would for he was with them every day.

COMMISSIONER:

- Q When were you last at Johnson Whitmire's before the war broke out?  
A I couldn't tell you exactly.  
Q What is your best judgment? A It might have been two or three weeks or a month.  
Q Was it within a short time before the war broke out? A Yes sir.  
Q Do you state now as a positive fact that when you were there the last time, that you saw this applicant there? A Yes sir.  
Q The last time you were at Johnson Whitmire's before the war she was there. Do you state that as a fact, now? A Yes sir, she was there, but she was never taken out of there.  
Q Well, she was there or else she was not? A Yes sir, she was there, but she was never was sold out.  
Q Were any of the other slaves there? A Yes sir.  
Q How often have you seen this witness since the war? A Just one time -- then I saw her yesterday or the day before. I saw her out on Red River before '65.  
Q Since '65 up to a couple of days ago you haven't seen her at all?  
A No sir.

(Witness identifies his signature attached to an affidavit which is shown him.)

- Q Are you willing to swear now, Mr. Albert, that this woman, whom you haven't seen for 40 years is the same woman that you saw at Johnson Whitmire's just before the war? A Yes sir, I saw her out on Red River in '65, and she is the same one.  
Q And you haven't seen her since until a few days ago? A No sir, I haven't.  
Q In January of this year was your attention drawn to the fact about some Martha Albert -- about four months ago? A Not that I know of.  
Q Do you remember this paper that I showed you a while ago? A Yes sir.  
Q Did you read that paper before you signed it? A Yes sir.  
Q Four months ago you swore before Mr. Rogers, a Notary Public, that you had known this woman all her life time, and now you state that from the time you saw her down on Red River, in '65, until a few days ago you didn't see her at all? A I couldn't see her all the time.  
Q It is a fact that you had not seen her since '65 until a few days ago? A Yes sir, I hadn't.  
Q Prior to that time you had signed this affidavit, hadn't you?  
A Yes sir.

(Reference is made to an affidavit signed by the witness in the case of this applicant, signed on January 10, 1905, before H. L. Rogers, Notary Public, and which is a part of the petition for a rehearing, addressed to the Department of the Interior and to the Honorable Commissioner of Indian Affairs.)

MR. NEAL:

I have one other witness, Martha Williams, who is the Martha that was sold by Johnson Whitmire to Billingham. She lives at Marlton, and

we sent a man down after her, and this morning I got a message stating that she is sick, and that a doctor's certificate has been procured. As soon as she is able to travel I would like to bring her up here and take her testimony. The testimony of this witness is important, because she is the Martha that belonged to Johnson Whitwire and who was sold out to Dillingham.

WITNESS EXCUSED.

Martha Albert recalled for additional cross examination.

MR. HASTINGS:

- Q What is your name? A Martha Albert now.
- Q What was your father's name? A Charley Bowland.
- Q What was your mother's name? A Nancy, but she was called Nannie when she was young.
- Q How old are you? A I think I am about 60 years old, but I don't know exactly. I am not educated, and can't tell my age exactly.
- Q Were you married before the war? A No sir, I was just a little girl.
- Q Were you married during the war? A About the last year of the war.
- Q Where? A On Red River.
- Q Who did you go south to Red River with? A With Cornelius Wright's daughters.
- Q Who took them? A Cornelius Wright took them, and there was another, let went along. We all went together, but I was so small that I didn't pay much attention.
- Q Did you know any of Cornelius Wright's folks? A Yes sir, I knewed Alf Wright, and aunt Jimmie, and aunt Marcus.
- Q Did Cornelius Wright have any children? A Yes sir.
- Q What were their names? A I can't tell you, for it has been a long time ago, and I can't remember their names.
- Q You can't recall the name of any one he had when the war came up? A I can remember them, but I can't remember their names.
- Q You can't remember the names of any of them that went south with you? A No sir.
- Q Where did Cornelius Wright live when the war came up, and about when you started south? A On the other side of Barran Fork.
- Q On which side of Barran Fork was that? A On the north side.
- Q How far from Barran Fork? A I didn't go out there and measure it, Mr. Hastings. I was too young.
- Q What was Cornelius Wright's wife's name? A Her name was Sarah, I think.
- Q Was she living when the war came up? A It seems to me like she was dead.
- Q How long had she been dead when the war came up? A You must recollect that I was a child and don't remember lots of things. You must give me a chance the same as anybody else. You folks didn't give us niggers no education so we could know and remember things like that.
- Q About how long before the war did Sarah Wright die? A I don't know.
- Q Will you swear that she didn't go south with Cornelius Wright? A I don't know.
- Q You are sure her name was Sarah? A I said I thought it was.
- Q What did us niggers know about that. All we could call them was Mistress, and most always that was all we knewed about their names.
- Q What was Cornelius Wright's childrens names that went south? A I don't know.
- Q You didn't have to call them Master and Mistress did you? A Sometimes we did, and then it has been so long ago that I have raised a family myself since then.

Q What was Johnson Whitmire's wife's name? A She was named Tempie.  
Q Was she the wife that was living with him when the war came up?  
A I think she was, but I wouldn't be positive.  
Q You was their slave? A Yes sir, and he had plenty of slaves besides me.  
Q How many children did Johnson Whitmire and his wife, Tempie, have?  
A I will tell you the truth, and I wouldn't swear a lie to get on this roll. I don't know their names -- none but one. I knowed Watt, and that is the only one.  
Q You know him because you heard me call his name, and because he was a witness against you in this case. How old was Watt when the war came up? A He was a good sized boy, but I was the largest.  
Q If you were a child with them and Johnson Whitmire had some more children, why don't you remember their names? A I just tell you about that. If you had been raised up a slave in the backwoods like us you would not know your playmates' names.  
Q The truth of the business is, you weren't there? A Yes sir, I was right there.  
Q Did he have a brother named George Whitmire? A Yes sir.  
Q What children did George Whitmire have? A He didn't live right there.  
Q How far did he live from Johnson Whitmire? A I don't know. I know he lived in the country somewhere.  
Q About how far? A I don't know.  
Q You never were at George Whitmire's? A I belonged to Johnson Whitmire.  
Q You never were at George Whitmire's? A No sir.  
Q You don't know whether he had any children or not? A I think he did.  
Q You don't know any of Johnson's children but Watt, and you did not know him until he testified against you? A Yes sir, I knowed him before.  
Q But you never knew any of the rest of them, did you? A I don't know.  
Q Where did Johnson Whitmire live when the war came up? A He lived up in Going Snake District.  
Q Near what town? A Tahlequah.  
Q About how far from Tahlequah? A I don't know.  
Q Your best judgement? A I didn't have no judgement about it.  
Q You weren't there, were you? A I was born and raised right there on the old Whitmire place.  
Q How far is it from Tahlequah? A I don't know.  
Q Was it as much as two miles? A I never have measured it.  
Q Was it a mile and a half -- what is your best judgement? A It might have been a mile and a half or five miles.  
Q Is five miles your best judgement? A My best judgement is that I don't know.  
Q Is five miles your best judgement? A I don't know how far it was.  
Q On what side of Barren Fork did he live? A On the north side.  
Q How far did he live from the creek? A I don't know that. He didn't live so powerful far, though.  
Q Was it five miles? A No, I don't think it was that far.  
Q Right when the war come up how far did Johnson Whitmire live from Barren Fork? A I guess his old house is sitting there right now, on the north side of Barren Fork.  
Q How far from the creek? A I couldn't even answer lessen I know.  
Q I want to know whether it was a short distance, or how far? A If I had been a young woman I might have been able to tell you.  
Q How old were you? A I must have been about 4 or 5 years old.  
Q And yet, you were married the last year of the war? A I was 13 or 14 years old when I married.  
Q What became of your mother? A She died.  
Q Where did she die? A Down in Sequoyah.  
Q Did your father go south with you? A He didn't go with us but he come.  
Q You remember seeing him around Johnson Wright's before you went?  
A Yes sir, but his home was on Pea Vine.



- Q What kind of a house did Johnson Whitmire live in? A I think it was a big log house.
- Q Are you certain about that? A No sir, I won't be certain.
- Q Did he live on the hill or in the valley? A On the side of the hill.
- Q And you were four or five years old? A I suppose I was about that old.
- Q You were born in '43 and left in '47? A I don't know. You ask me too tight questions. If I was sold I would say so.
- Q How many slaves did Johnson Whitmire have? I mean, when the war came up? A He had old aunt Tempie, Artie, Mose, Celia, Mary, Nancy and me.
- Q Did Celia have any children? A No sir.
- Q Did Tempie? A She had two.
- Q Were they older or younger than you? A Older.
- Q Did they have any about your age? A No sir.
- Q Did Mary have any children? A Yes sir.
- Q What were their names? A One was named Bass and one was named Tom.
- Q You don't know how far from Barren Fork Johnson Whitmire lived, though? A No sir.
- Q You didn't know any of his children but Watt? A I did know them, but I have forgot their names.
- Q You didn't know any of Cornelius Wright's children's names? A No sir.
- Q You do not know the names of any of George Whitmire's children? A No sir, we didn't belong to George.

#### COMMISSION:

- Q You have some children, haven't you, that you applied for? A Yes sir.
- Q Klifiah and Ida are two of them? A Yes sir.
- Q Who is the father of these children? A Colly Albert.
- Q He was a state man wasn't he? A Yes sir. Old man Bushyhead raised him, but he didn't belong to him.
- Q How many times have you been married? A Just the one time.
- Q What was your husband's name? A Colly Albert.
- Q He doesn't claim any rights as a Cherokee Freedman? A No sir.
- Q You have a child called Henry? A Yes sir.
- Q Has he got some children? A Yes sir.
- Q What are their names? A Harry, Raymond, and Louie.
- Q Who is the mother of those children? A Florence.
- Q She is a state woman? A Yes sir.
- Q She doesn't claim any rights as a Cherokee Freedman? A No sir.
- Q You have a girl called Lillie White? A Yes sir.
- Q She has some children? A Yes sir.
- Q Who was the father of those children? A Henry White.
- Q He is a state man? A Yes sir.
- Q Have you a child called Nancy Balkum? A Yes sir.
- Q Has she any children? A Yes sir.
- Q Their father doesn't claim any rights as a Cherokee Freedman. A No sir.
- Q Have you a daughter named Malinda? A Yes sir.
- Q Has she any children? A Yes sir, six.
- Q Does the father of those children claim any rights as a Cherokee Freedman? A No sir.
- Q Are they all living? A Malinda is dead, but her children are all living.
- Q What relation is Jennie Barnes to you? A She is my sister.
- Q A full sister? A Yes sir.
- Q Did you have the same father and mother? A Yes sir.
- Q Is Robert Barnes Jennie Barnes' son? A Yes sir.
- Q The father of Robert was a state man? A Yes sir.

- Q Jennie Barnes had a daughter called Lula Knalls? A Yes sir.  
Q And she has two children? A Yes sir.  
Q What are their names? A Sarah French and Fred E. Knalls.  
Q Was the father of Sarah French a state man? A Yes sir.  
Q What about the father of Fred? A He was a state man.  
Q Who was the father of B-430? A He was a state man, too.  
Q He is dead isn't he? A Yes sir. A Yes sir.  
Q John Barnes is a son of Jennie Barnes too? A Yes sir.  
Q His father was a state man? A Yes sir.  
Q The mother of Sussie and John is a state woman? A Yes sir.  
Q Sarah Brown has got a child called Maggie Williams? A Yes sir.  
Q What is its father's name? A Marcus Williams.  
Q He is a state man? A Yes sir.  
Q Jennie Barnes had a daughter named Maggie, and Maggie had a son named George L. Bell. Who was the father of this child? A George Smith, or Bell.  
Q Is he a state man? A No sir.  
Q He was denied as a Cherokee Freedman? A Yes sir.

WITNESS EXCUSED.

Witnesses for the Nation.

Watt Whitmire, being duly sworn, testified as follows:

MR. HASTINGS:

- Q What is your name? A Watt Whitmire.  
Q What is your post office? A Westville.  
Q What is your age? A 53.  
Q Are you a Cherokee by blood? A Yes sir.  
Q What was your father's name? A Johnson Whitmire.  
Q What was your mother's name? A Charlotte.  
Q Was your mother living when the war came up? A No sir.  
Q How long had she died before the war? A I don't recollect. I was just an infant when she died. I think she died about ten years before the war.  
Q Had your father remarried when the war came up? A Yes sir.  
Q What was his wife's name then? A Tempie.  
Q Did you have any brothers and sisters living when the war came up? A Yes sir, I had one full brother by the name of William, older than me, and then I had some half brothers, named George and Ellis, and a sister named Charlotte.  
Q Do you know this applicant that goes by the name of Martha Albert? A If I ever saw her before I don't know it.  
Q Did your father own some colored people when the war came up? A Yes sir.  
Q Did he own one called Nancy when the war came up? A No sir.  
Q Did your father own this colored applicant, who claims that she is the daughter of Nancy, when the war came up? A There was no Nancy on the place.  
Q Did your father own this applicant? A No sir, she wasn't on the place.  
Q Were you living with your father when the war came up? A Yes sir.  
Q How far were you living from Barren Fork? A Right at two miles.  
Q On which side of the creek? A South side.  
Q Did you ever live on the north side of Barren Fork? A No sir.  
Q Do you know one, Andy Albert, whose post office is Stillwell? A Yes sir.  
Q He has just testified upon the stand that your father owned a nigger slave by the name of Nancy and this applicant, who was the child of Nancy when the war came up. Was that true? A No sir, he never owned no woman by the name of Nancy.

- Q How far did Andy Albert live from your father when the war came up? A As near as I can guess it, it was 7 or 8 miles.
- Q What kind of a house did your father live in? A A double log house.
- Q You say your own mother was dead? A Yes sir.
- Q Was your stepmother living when the war came up? A Yes sir.
- Q What became of your father's slaves? A When father went south we left the women folks all at home. The men had all gone north before we left home. He and my brother, George, were the last ones to leave the place, and we left all the women folks on the place, and after we left they all went north.
- Q Were that you owned went south? A Not one.
- Q Where did you go during the war? A Down on Red River on the Choctaw side.
- Q Did you know Cornelius Wright? A Yes sir.
- Q Did you know his son, Cale? A Yes sir.
- Q How far did they live from you? A Some five or six miles.
- Q On what side of Barren Fork? A On the southeast side from us.
- Q Did you see them down on Red River during the war? A Yes sir.
- Q Did they have some slaves down there? A Yes sir.
- Q Did they have a woman by the name of Nancy? A If they did I don't know it.
- Q Did you ever see this applicant down there? A No sir.
- Q Did you ever see her anywhere before? A No sir, this is the first time I ever saw her.
- Q How long were you all and Cornelius Wright's people together in the Choctaw Nation? A I don't know. We moved away and left them there. We moved there in the early fall and left early the next spring, and we left Cornelius Wright's folks living there.
- Q They were related to you? A Yes sir.
- Q You know that Cornelius Wright didn't have any slave of your father's by the name of Nancy, down there? A No sir.
- Q Did you ever know the alleged father of this applicant who she said went by the name of Charley Bowland? A No sir.
- Q Was he in your neighborhood before the war? A I never heard of him.
- Q Did you see him down on Red River during the war? A No sir.

MR. NEAL:

- Q You say you and your brother went off and left the women folks there? A Yes sir.
- Q You mean the slaves? A Yes sir.
- Q You also said that they all went north? A Yes sir.
- Q Do you know where they went? A I don't know only what they told me. After the war they told me they went to Fort Scott. One of the men told me that.
- Q You don't know, of your own personal knowledge, where they went? A No sir, I just have their word.
- Q You say that one of the men told you? A Yes sir, Dick and Mose both told me that the women folks were all in Fort Scott.
- Q You said the men folks all went north? A Yes sir, they went north first -- before we left.
- Q All you know about where the women folks went is what Dick and Mose told you, and they left before you did? A Yes sir.
- Q You say your father didn't own any slave by the name of Nancy? A No sir.
- Q Did he own one by the name of Fannie? A Yes sir, there was a little girl by the name of Fannie.
- Q How old do you say you are? A 83.
- Q That would make you how old when the war broke out? A Between 9 and 10.
- Q You were acquainted with all of your father's slaves, were you? A Yes sir.
- Q Knew all of the children? A Yes sir.

- Q How many children did Rachel have? A 3 or 4 -- I don't know just exactly whether it was 3 or 4.
- Q How many children did Beekie have? A There was Charlotte, Lisa, Abby and Mary.
- Q There was a slave there named Fronie? A Yes sir, but I have forgot which woman was her mother.
- Q How many children did Fronie have? A One.
- Q Of your knowledge, you don't know where your father's slaves went? A Not only what they told me. They told me they went north.
- Q You never have seen any of the women folks since then? A Not since the war.
- Q You don't know where they are now, do you? A Not for certain. I never have been right to their houses.
- Q You never have spoken to one of the negro women that belonged to your father, since the war? A No sir.
- Q The only slaves of your father's that you have seen are Mose and Dick? A Yes sir.
- Q How many slaves did your father have when the war broke out? A I would have to count them up.
- Q About how many? A I guess there were 18 or 20, children and all.
- Q You have named four children of Rachel's -- A As well as I recollect, I said there were that many.
- Q Five of Beekie's? A Yes sir.
- Q And one of Fronie's? A Yes sir.
- Q How many more children were there? A There was one by the name of Charlotte that had one or two children I think.
- Q Do you think that, being only 9 or 10 years old, you would recognize a woman 55 or 60 years old who was a girl at the outbreak of the war? A I guess not.
- Q Then you don't know anything about Martha Albert -- anything about who she is, or anything about her? A No sir.
- Q If she belonged to your father you don't know it? A No sir.

MR. HASTINGS:

You knew your father didn't have a grown woman, with children, by the name of Nancy when the war came up? A No sir, he didn't.

COMMISSION:

- Q You have testified in this case once before? A Yes sir.
- Q Are you the Watt Whitmire that testified at Fort Gibson in 1901? A Yes sir.
- Q Do you know this man, Dillingham? A No sir, I have heard of him frequently.
- Q Did he live in your neighborhood? A I think not. I have heard my father speak of him.
- Q You do not know how near he lived to your home, do you? A No sir, I know the place they say he lived on.
- Q You know this Andy Alberty that testified here awhile ago? A Yes sir.
- Q Did you know him before the war? A No sir.
- Q When was the first time you ever knew him? A Since the war I got acquainted with him.
- Q You don't know whether he was in the habit of visiting your father's house or not? A No sir.
- Q Your mother's name was Lottis? A Charlotte.
- Q You belonged to the second marriage? A No, the first.

MR. NEAL:

- Q How long before the war was it that your father married Tempie? A I don't recollect just when it was. I was a boy, up and running around, I guess two or three or four years old. It was anyway, three or four years before the war.



Q You were about 9 or 10 when the war broke out? A Yes sir.

MR. HASTINGS:

Q Was there any other Johnson Whitmire living around there before the war? A No sir.

COMMISSION:

Q Do you know what year it was that you went to Red River? A No sir, I don't.

Q What is your best judgement as to what year it was? A It would have to be a round about guess. I guess it was the second year of the war.

Q Do you remember distinctly about going to the Choctaw Nation? A Yes sir.

Q You remember the trip down there, and the people you met down there? A Yes sir.

WITNESS EXCUSED.

Gale Wright, being duly sworn, testified as follows:

MR. HASTINGS:

Q What is your name? A Gale Wright.

Q Where do you live? A Tahlequah,

Q How old are you? A I am 39.

Q What was your father's name? A Cornelius Wright.

Q Were you living with your father when the war came up? A Yes sir.

Q Where? A About 3 or 4 miles west of Dutch Mills, on the Cherokee side.

Q What District? A Going Snake.

Q How far from Warren Park? A About two and a half miles, I guess.

Q Where did your father go during the war? A South.

Q Did you go with him? A I didn't exactly start with him, but I got with him at Fort Smith when he was on the way.

Q Did you continue on the trip with him? A Yes sir.

Q Where did you go to? A The first place we stopped at was Armstrong's Academy in the Choctaw Nation, then we moved from there down to 10 miles south of Deaksville, near Red River.

Q Do you know this applicant, Martha Albert? A No.

Q She has testified that she and her mother, Nancy went south with your father during the war, and that her mother, Nancy, belonged to Johnson Whitmire, as well as herself, at the beginning of the war? Is that true? Did a Nancy Whitmire, who had one or two children, go south with your father? A They were not with him when I came up with him.

Q Did they have a Nancy Whitmire anywhere on that trip? A No sir.

Q Were you ever about Johnson Whitmire's place before the war? A Yes sir, I boarded there and went to school two sessions.

Q And you lived in his neighborhood? A Yes sir, within five miles.

Q Did Johnson Whitmire have some slaves? A Yes sir.

Q Did he have a slave by the name of Nancy who had some children when the war came up? A No sir. I never heard of that name while I was there going to school.

Q You lived in the same neighborhood? A Yes sir.

Q You were related to Johnson Whitmire? A I suppose we were distantly related, but I don't know just how much.

Q You do not know the degree of relationship? A No sir.

Q Did you ever see this applicant down south after the war or during the war? A I am just looking at her. Let me talk to her sons, and see.

Q Are you satisfied, from the conversation that you have had with her, that she was with your father down south? A No, she could not have been.

- Q Did you know this Andy Alberty? A Yes sir.  
Q How far did he live from Johnson Whitmire before the war?  
A It must have been 8 miles, across the mountain.  
Q You swear positively that your father did not have a woman by the name of Nancy, and her child, that belonged to Johnson Whitmire, down on Red River during the war? A No sir.

Applicant to witness-- Was Arthur with you? A No.

Q Was Rose? A Yes, there was a Rose -- Lucindy's daughter.

Q Was Jinnie with you? A Jinnie died in '61.

MR. HASTINGS:

- Q You know that no Nancy Whitmire went south with your father?  
A No sir.

MR. NEAL:

- Q You said just now that you judge from your conversation with the applicant, that she could not have been with your father down there? A No sir, she couldn't.  
Q The reason that you say she was not with your father is because she doesn't seem to know enough about the people? A That is it.  
Q Upon that you base your judgement? A Yes sir.  
Q There were a good many slaves that went with your father down there? A Yes sir, several.  
Q Did any of the Whitmire niggers go with your father? A No. The Whitmires went out there themselves and we all went to ourselves, and at last we all got into the same neighborhood before we started back.  
Q You didn't go out of the Territory at all? A No, we stopped on the north side of the river in the Choctaw Nation.  
Q You say that you boarded at Johnson Whitmire's and went to school, and you say he had no slave named Nancy-- name some of his slaves--  
A You call them off.  
Q I want you to call them off? A He had Hannah, Myra, Fronie, Rachel, Abby, Mary, and there might have been some young ones, but those are the older ones.  
Q Didn't he have one named Jane? A Not that I know of.  
Q Didn't he have one named Mattie? A No.  
Q Didn't he have one named Fannie? A Well, I don't know, but if he did she must have been mighty small.  
Q Didn't he have one named Sookie? A Yes, there was one named Sookie.  
Q Do you know the names of any of the men? A Yes, there was Dick, Mose, Mike, Frank, and Mark.  
Q What was Johnson Whitmire's wife's name when the war came up?  
A Her name was Temple.  
Q Were you acquainted with his first wife? A No, she was dead long before I could remember her.  
Q How old were you when you boarded there? A It was along in '50. I was a good big chap.  
Q You remember the names of all of these slaves by having boarded there? A Yes sir.  
Q How far did you live from there? A About 5 miles, I reckon. In our country we had what we called bridle ways that were nearer, but it was about 5 miles around.

MR. HASTINGS:

- Q Did you mean in the year '50 or between '50 and '60? A Yes sir, that is it -- between '50 and '60.  
Q About how long before the war? A I couldn't tell that.

The war broke out in '61, and it must have been three or four years before the war.

Q Were you there frequently besides boarding there? A Yes sir.

MR. KEAL:

Q You said when you were south on Red River that the Whitmire folks got into the same neighborhood? A Yes sir.

Q And some of the slaves were there? A Yes sir.

Q Old man Johnson Whitmire didn't carry out any slaves? A I think George had a slave or two.

Q You say that none of Johnson Whitmire's slaves were there? A No, they all went north.

COMMISSION:

Q Have you ever seen this woman before, to your knowledge? A No sir, I don't know anything about her.

Q How far do you live from Melvin? A I live up to Tahlequah, and I don't know just how far it is.

Q Do you know any of these applicants --- any of this woman's children? A No sir.

WITNESS EXCUSED.

J. W. Alberty, being duly sworn, testified as follows:

MR. HASTINGS:

Q What is your name? A J. W. Alberty.

Q What is your post office? A Westville.

Q How old are you? A Well sir, I will be 71 years old the 26th. day of July.

Q This is the case of Martha Albert, in which you have given testimony before? A Yes sir?

Q You knew Johnson Whitmire before the war? A Yes sir.

Q How far did you live from him? A Six or Seven miles.

Q You testified about the sale of some slaves to a man by the name of Dillingham? A Yes sir.

Q About when did he sell them to Dillingham? A It was either in '47 or '48.

Q Do you know this applicant here? A No sir.

Q She has testified that her mother was named Nancy and that her father was named Charley Bowland. Did you know the Nancy, the alleged wife of Charley Bowland? A Yes sir.

Q Who did she belong to? A Old man Dillingham moved to Texas and took this family with him?

Q To whom did she previously belong? A To Johnson Whitmire.

Q And Dillingham acquired her from Johnson Whitmire in the year of 1847 or 1848? A Yes sir.

Q Are you certain that her name was Nancy? A Yes sir.

Q What became of Charley Bowland? A He went with Dillingham.

Q Do you know whether Nancy had some children? A She had two or three.

Q You don't know whether this applicant was one of them or not? A No sir.

Q Did Johnson Whitmire have a grown slave by the name of Nancy when the war came up? A No sir, not that I know of.

Q You were familiar with him? A Yes sir.

Q Are you prepared to say that Charley Bowland was not in that country when the war came up? A Yes sir.

Q Do you know Andy Alberty? A Yes sir.

Q Is he a relative of yours? A Yes sir.

- Q Where did he live before the war? A He lived right close to Oak Grove school house.
- Q How far from Johnson Whitmire's? A Between 7 and 8 miles.
- Q Then Nancy, the wife of Charley Bowland, was taken bound? A Yes sir.
- Q What was the citizenship of Dillingham? A He wasn't no citizen at all, he was just a white man.
- Q Well, he was a United States citizen? A Yes sir.
- Q Where did he live in 1860 or '61? A Before he went to Texas he lived in Arkansas.

MR. VEALE:

- Q You lived closer to Dillingham than you did to Johnson Whitmire didn't you? A Yes sir.
- Q You were better acquainted with Dillingham's slaves than you were with Johnson Whitmire's? A Yes sir.
- Q You knew more about this woman after Dillingham bought her than then you did when she belonged to Johnson Whitmire? A Yes sir.

WITNESS RETURNED.

Jeff Catcher (Tik-nee-sky), being duly sworn, testified as follows:

MR. HARTWIG:

- Q What is your name? A Jeff Catcher.
- Q What is your postoffice? A Stilwell.
- Q How old are you? A I was 45 the 15th day of last month.
- Q Are you a Cherokee citizen? A Yes sir.
- Q You are also known as Jeff Tik-nee-sky? A Yes sir, that is my Cherokee name.
- Q Where did you live before the war? A In Going Snake District, on Pea Vine.
- Q Close to where you live now? A About 300 yards west of where I live now.
- Q Did you know Johnson Whitmire before the war? A Yes sir.
- Q How far did you live from him? A It was about three quarters of a mile, I reckon, maybe a little over.
- Q Were you a soldier in the army? A Yes sir.
- Q You were about grown when the war came up? A Yes sir.
- Q Did Johnson Whitmire have some slaves? A Yes sir.
- Q Did he have a grown woman slave by the name of Nancy, who had some children when the war came up? A No sir, I don't recollect one by that name.
- Q Were you frequently at his house? A Pretty near all the time, once a week, anyhow. I was there pretty much all the time.
- Q Do you know this applicant, who gives her name as Martha Albert? A No sir.
- Q Did you ever see her before? A No sir.
- Q Did you know a white man that lived across the line by the name of Dillingham before the war? A No, I never see him, but I have heard him talked of a good deal.
- Q You were too small to remember him? A Yes sir, but I have heard of him.
- Q You don't know whether he bought some slaves of Johnson Whitmire or not? A I don't know. He didn't after I got big enough to recollect.
- Q Did Johnson Whitmire, when the war came up, have a woman by the name of Nancy? A No sir.
- Q What army were you in? A The Federal army.
- Q Do you know Andy Albert? He just testified here awhile ago?



- A Yes sir.
- Q How far did he live from Johnson Whitmire? A Between 7 and 8 miles.
- Q Did you know a free colored man in that country by the name of Charley Rowland? A I have heard of him, but I don't recollect him.
- Q He wasn't there just before the war? A No sir.

MR. NEAL:

- Q You say that you don't remember a woman named Nancy that belonged to Johnson Whitmire? A No sir.
- Q You don't mean to say that he didn't have one by that name, but that you just don't remember her? A If he had one it must have been a small child, for I knew all the old ones. I think I can name all the old ones.
- Q Name them? A The old women that I knew was Myra, Ma, Sookie, Hannah, Rachel, Frenie, Mary, Charlotte, and the balance were small and I don't recollect their names.

- MR. HASTINGS: Q. Was Andy Alberty over to see you lately to see about this case? A Yes sir, last Sunday.
- Q What did he say to you? A He asked me if I knew of Mr. Whitmire having a woman by the name of Nancy.
- Q What did he say about it? A He didn't say that he knew anything about it. He just wanted to find somebody that knew them.
- Q Did he say that he knew one at that time by the name of Nancy? A He didn't say whether he did or not? He just wanted to find somebody that did know her. I told him I didn't think Johnson Whitmire owned any nigger by that name.
- Q That is the same Andy Alberty that you saw out there in the hall who has just testified here? A Yes sir.

MR. NEAL:

- Q As soon as Mr. Alberty told you that he wanted to get witnesses who knew this woman who did you go and tell about it? A I told him that there was an old woman up there, Susie Walkingstick, and that if anybody would know about it she would for she was older than I was. I said, for my part, I didn't know anything about it. Afterwards, I saw him and told him that what I knew was not in his favor, but will go against him, for I was there and knew all about his niggers.
- Q You sent him around to see Susie Walkingstick, and told him that if he owned one by that name it was before you could remember? A Yes sir.
- Q And then you chased out to see if they wanted witnesses for the Nation? A No sir.

COMMISSIONER:

- Q How big a place did Johnson Whitmire have? A About 75 acres in cultivation.
- Q About how many slaves did he have at the beginning of the war? A He must have had 15 or 20.
- Q Was that the only place he had in the Cherokee Nation? A Yes sir.
- Q Did he have a plantation anywhere else? A Nothing only a cattle ranch down about Webbers Falls. He and his brother George had a ranch together. They both owned slaves.
- Q He didn't have any female niggers down at the ranch? A No sir.
- Q You are positive that these are the only two places he had? A Yes sir.

WITNESS EXCUSED.

Charlotte Wright, being duly sworn, testified as follows:

MR. HASTINGS:

- Q What is your name? A Charlotte Wright.  
 Q What is your post office? A Christie.  
 Q How old are you? A 58.  
 Q What was your maiden name? A Whitmire.  
 Q Who was your father? A George Whitmire.  
 Q What relation was he to Johnson Whitmire? A A brother.  
 Q Where did you live before the war? A I lived on Barren Fork, West of the Barren Fork station and east of Christie.  
 Q How far from where you are living now? A About a mile and a half.  
 Q You have lived there all your life? A Except when I was south during the war.  
 Q Did you go south? A Yes sir, we were gone four years.  
 Q Where did you go? A To Red River -- near Bonham only we were on the Choctaw side.  
 Q Did you know Cornelius Wright before the war? A Yes sir.  
 Q Did you see him down on Red River? A Yes sir.  
 Q Do you know Cale Wright? A Yes sir.  
 Q You saw these people down south during the war? A Yes sir, we got to be neighbors down there.  
 Q Did Johnson Whitmire have some slaves before the war? A Yes sir.  
 Q Do you know this applicant here? A I don't recognize her.  
 Q Did Johnson Whitmire have a grown woman slave by the name of Nancy when the war came up? A I don't remember her.  
 Q Was there a free colored man in the neighborhood, by the name of Charley Bowland, when the war came up? A I never heard of it.  
 Q This applicant gives her mother's name as Nancy and her father's name as Charley Bowland? A I never knew them.  
 Q Do you state that Johnson Whitmire had any slave by the name of Nancy, who had some children, when the war came up? A If he did I don't know it.  
 Q He was your uncle? A Yes sir.  
 Q Were you frequently at his house? A Yes sir.  
 Q How far did your father live from him? A I guess it was 5 or 6 miles.  
 Q You lived in the same neighborhood? A Yes sir.  
 Q And you were frequently at your uncle's place? A Yes sir.  
 Q Would you stay any length of time? A As long as a week.  
 Q You knew his family and slaves? A Yes sir.  
 Q They never had one by the name of Nancy that you know of? A No sir.  
 Q Did you see any slaves down south with Cornelius Wright, and among them one named Nancy who claimed to belong to your uncle Johnson before the war? A No sir, none of his slaves went south that I know of. They all left him.  
 Q You didn't see any down there that claimed to have belonged to him? A No sir.  
 Q You do not remember to have ever seen this applicant before? A No sir.

MR. KEAL:

- Q You have not seen any of Johnson Whitmire's female slaves since the war, have you? A No sir.  
 Q You probably wouldn't remember a girl that was 4 or 5 years old? A I think I would recognize her. I could be mistaken, but I think I would recognize her.  
 Q How old were you when the war broke out? A I was 14 years old when we had to leave home.  
 Q You say that if Johnson Whitmire had a slave by the name of Nancy, you don't know anything about it? A No sir.  
 Q You don't know that he didn't have one by that name, but you just don't know about it? A I never saw one by that name on the place, and I don't think he had one by that name. I don't recollect any-

thing about it, and never heard anything about it.

- Q You don't know positively that he didn't have one by that name?  
A No sir, he didn't have one by that name that I knew of. He didn't have one at home, and I don't think he had any away from home. I never heard of it if he did. But I know there was no one on the place by that name.

**WITNESS EXCUSED.**

Charles Whitmire, being duly sworn, testified as follows:

**MR. JUSTICES:**

- Q What is your name? A Charles Whitmire.  
Q What is your post office? A Proctor.  
Q How old are you? A 56 I reckon.  
Q Are you younger than your sister, Mrs. Wright? A Yes sir.  
Q She was your sister? A Yes sir, she was always recognized as my sister.  
Q You are the son of George Whitmire? A Yes sir.  
Q Johnson Whitmire was your uncle? A Yes sir.  
Q Do you remember Johnson Whitmire before the war? A Yes sir.  
Q About how old were you when the war came up? A I couldn't tell you -- 12 or 14 I guess.  
Q Were you about Johnson Whitmire's frequently? A Yes sir, I stayed there a right smart and went to school from his house.  
Q Did Johnson Whitmire have some slaves? A Yes sir.  
Q Did he have a grown woman slave who had some children, by the name of Nancy, when the war came up? A Not that I remember.  
Q Well, if he had had one that was old enough to be, and was the mother of some children would you have known it? A Yes sir, I think I knowed all of the older ones.  
Q You didn't know one by the name of Nancy? A No sir.  
Q Do you know this applicant here? A No sir.  
Q Did you ever see her before? A Not that I remember.  
Q Did you ever know a free colored person by the name of Charley Bowland in the country? A No sir.  
Q Then, of course, you never knew his wife, Nancy? A No sir.  
Q Did you say that you stayed at Johnson Whitmire's and went to school? A Yes sir.  
Q Did you know Johnson Whitmire's wife and family? A Yes sir.  
Q Is Watt one of the children? A Yes sir.  
Q Where did you go during the war? A I went south to Red River.  
Q Did you know Cornelius Wright? A Yes sir.  
Q Did you see him down there? A Yes sir.  
Q Was he Cale Wright's father? A Yes sir.  
Q Did he carry any of Johnson Whitmire's slaves down south with him? A No sir.  
Q It has been sworn that he took some of Johnson Whitmire's slaves and among them was this woman, Nancy, and this applicant. Is that true? A If he did, he didn't have them when we got to where they were.  
Q You were not old enough to know a white man by the name of Dillingham, were you? A No sir.

**MR. NEAL:**

- Q How old did you say you are? A 56 if I am not mistaken.  
Q You are older than your sister? A No sir.  
Q Who else was boarding down there and going to school? A Nobody but me and his boy went to school. Sometimes Aunt Temple had two sisters who stayed there and went to school.  
Q When were you there? A I don't know.  
Q Were you there off and on for four or five years before the war? A I don't know.  
Q Did you stay there more than one year? A I went from there for two or three seasons.

- Q You never happened to be there when anybody else was boarding there? A I was there when Aunt Temple's sisters were there. I don't remember anybody else.
- Q How many years before the war was it? A I am not able to tell you what year it was. I stayed at home some, and then I didn't get to go to school but very little.
- Q Your cousin, Gale, boarded down there and went to school didn't he? A I couldn't say whether he did or not. If he went to school from there when I did I don't remember it.
- Q You said that you were of the opinion that Johnson Whitmire had no slave by the name of Nanay who was old enough to have children at that time? A No sir.
- Q If he did you don't remember it? A No sir, I don't remember ever hearing that name called.
- Q You never know her if she was there? A No sir, I don't remember any of the folks on the place calling her by that name.

MR. HASTINGS:

- Q If there had been one there by that name would you have known it? A Yes sir.

MR. NEAL:

- Q You would remember it all these years, would you? A I don't know, but I think I would. I remember the names of all of the older ones.

COMMISSIONER:

- Q Where was this school? A On Barron Park, on Ped Vine.
- Q How far from Johnson Whitmire's? A About a mile and a half.
- Q Who had this school? A An old missionary lady taught the school. I don't remember her name.
- Q Was it a kind of a convent school? A It was kept up by the Cherokee Nation. It was a public school.
- Q How far away was the nearest school to it? A I couldn't say positively just how far away. I expect it was 5 miles. I wouldn't be positive, but I expect it was that far.
- Q Was Johnson Whitmire in the habit of taking boarders to attend school? A Yes sir, and so did my father.
- Q You were convenient to the school, and the people from the neighboring vicinity sent their children over there to board and go to school? A Yes sir.

MR. NEAL:

- Q You say your father kept boarders? A Yes sir.
- Q How did it happen that you didn't board at home? A My uncle had a boy, and had nobody to go to school with him, so I was sent over to go to school with this boy.
- Q How near did your father live to the school? A About four miles, but he built a house about three quarters of a mile from the school, house where he kept the teacher and boarders.

WITNESS EXCUSED.

(Mr. Neal -- I would like that the case be held open until I can introduce one other witness, the Martha Williams who was actually sold to Dillingham, and if I can get her, I will bring Susie Walkington.)

By consent and agreement, this case is continued to May 11, 1905, at 1:30 o'clock, P. M.



Kula Jeanes Branson, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, and reported the proceedings had in the above entitled cause, on the 27th day of April, 1905, and that the above and foregoing is a full and complete transcript of her stenographic notes taken in said cause on said date.

(Signed) Kula Jeanes Branson,

Subscribed and sworn to before me this 28th day of April, 1905.

SEAL

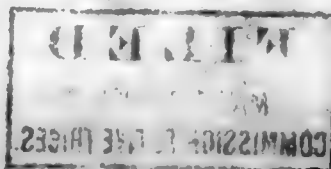
(Signed) Myron White,  
Notary Public.

Louise Smith, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy and that same is a true and complete copy of the original transcript.

*Louise Smith*

Subscribed and sworn to before me this May 10, 1905.

*W. H. Hankins*  
Notary Public.



**FILED**  
MAY 18 1905  
COMMISSION TO FIVE TRIBES.

Cherokee Freedman-R-418 to  
431, inclusive.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Muskogee, Indian Territory, May 11, 1905.

In the matter of the application for the enrollment of  
Martha Albert et al. as Cherokee Freedmen.

Neal & London, attorneys for the applicants.

Bell, Hastings & Davenport, attorneys for the Cherokee Nation.

COMMISSION.

On this, the 11th. day of May, this cause coming on to be  
heard, the applicants appear neither a person nor by attorney.  
The Cherokee Nation, represented by W. F. Hastings, introduces  
the following testimony:

Aaron Whitmire, being duly sworn, testified as follows on  
behalf of the Cherokee Nation:

MR. HASTINGS:

- Q. Your name is Aaron Whitmire? A. Yes sir.  
Q. You are a freedman citizen of the Cherokee Nation? A. Yes  
sir.  
Q. How old are you? A. About 69.  
Q. To whom did you belong when the war came up? A. George  
Whitmire.  
Q. What relation was George to Johnson Whitmire? A. They were  
brothers.  
Q. How far apart did they live? A. About four miles when the  
war came up.  
Q. In what District? A. Scink Snake.  
Q. Did they use to live together? A. Yes sir, till they  
married.  
Q. Were you familiar with Johnson Whitmire's slaves? A. Yes sir.  
Q. Did you ever know a slave that he had there by the name of Nancy  
who had Charley Bowland, a free colored man, for her husband?  
A. Yes sir.  
Q. What became of Nancy? A. She was sold to a man by the name  
of Dillingham.  
Q. What was Dillingham's citizenship? A. A citizen of the  
United States.

- Q. Where did he live? A. Right on the line of -- or close to the line of Arkansas.
- Q. Did this Nancy have any children when she was sold? A. I think she had one, is all I recollect.
- Q. What was that child's name? A. Martha.
- Q. Now, I refer to the Nancy who had a husband by the name of Charley Bowland, a free colored person? A. Yes sir, and so am I.
- Q. About how long before the war was it that she was sold to Dillingham? A. As near as I can recollect, it must have been 8 or 10 years or more.
- Q. Did Dillingham continue to live over there in Arkansas till the war came up? A. No sir.
- Q. What became of him? A. He went to Texas before the war came up.
- Q. Aaron, it has been allged here that Johnson Whitmire had another Martha whose mother was Dicy, and that Dicy and that Martha were sold instead of this Martha and Nancy. Did he have another woman by the name of Dicy? A. Yes sir.
- Q. Did he have her when the war came up? A. No sir, she was dead.
- Q. Did he sell her to Dillingham? A. No sir.
- Q. When did she die? A. Before the war, and before Nancy was sold.
- Q. Did Dicy have any children? A. One.
- Q. What was its name? A. Cinthy.
- Q. What became of Cinthy? A. She was sold to a man by the name of Russell, who lived in Arkansas.
- Q. About how long before the war was she sold? A. 6 or 8 years.
- Q. Did Johnson Whitmire have any other Dicy? A. No sir, never did.
- Q. Did you ever hear of his selling a Dicy to Dillingham? A. No sir.
- Q. Did you ever hear of his selling a little girl by the name of Martha, besides this one? A. No sir, this was the only Martha on the place.
- Q. Did he have a Martha when the war came up? A. No sir.
- Q. Did you ever see the applicant who gives her name as Martha Albert, who is the wife of Collie Albert? A. I haven't seen her since she was sold.
- Q. Did Charle Bowland go to Texas? A. Yes sir.
- Q. Was he in the Going Snake Country when the war came up? A. No sir, I never did see him after he went to Texas.
- Q. What became of Johnson Whitmire's slaves? Did any of them go to Texas? A. No sir.
- Q. What became of his women slaves? A. They went north.
- Q. Who took them north? A. They went off with the soldiers.
- Q. How long did you remain at the old Whitmire place? A. Till '64.
- Q. Then you went to Kansas? A. Yes sir.
- Q. Had all of Johnson Whitmire's slaves gone off north with the soldiers? A. All but two, and they were with me. They were two very old women -- Amy and Myra.
- Q. Had Cornelius Wright gone south? A. Yes sir.
- Q. He took his slaves with him? A. Yes sir.
- Q. Did Johnson Whitmire have any other Nancy or Nannie other than the one he sold to Dillingham? A. Yes sir, he had a little girl called Nannie.
- Q. Who was her mother? A. Sookey.
- Q. What was Sookey's name? A. Smith.
- Q. What was her husband's name? A. Mose Smith. He is dead.
- Q. Where does she live? A. Up here on Big Creek in Coowee-  
coowee District.

COMMISSIONER:



- Q. How many slaves did Johnson Whitmire have at the beginning of the war? A. He had some 20 or 25.
- Q. Can you give their names? A. I could name the old ones.
- Q. Give me the names? A. The first old woman was Amy, Myra, Hannah, Sookey, Kizzy, Mike, Dick, Martin, Mose, Saphronie, Rachel, Charlotte, Liza, Aby, Frank, Nannie. That is about all I can recollect.
- Q. These are all the older ones? A. Yes sir.
- Q. The younger ones you do not remember? A. I cannot recollect them.
- Q. How many of these slaves do you know of that are living now, of these 15 or 16 you have just named? A. I don't know of but two that are living.
- Q. Where are they? A. Up on Big Creek.
- Q. What are their names? A. Nannie Smith and Frank Whitmire.
- Q. Where does Frank live? A. On Big Creek.
- Q. How old a man is he? A. I don't know just how old a man he is -- right at 60 I guess.
- Q. Do you know Martha Williams? A. No sir.
- Q. Are you positive now that at the breaking out of the war Johnson Whitmire did not have a slave by the name of Martha? A. Yes sir.
- Q. Do you know whether he had a child slave by that name? A. No sir, there was not one by the name of Martha.
- Q. You say that of your own knowledge? A. Yes sir.
- Q. You mentioned in our testimony about a Nancy who had a daughter called Martha, and that they were sold to Billingham. Have you ever seen them since that time? A. I never have.
- Q. Do you know who this applicant is -- have you seen her? A. I don't know that I would know Martha if I saw her.
- Q. How far do you live from Fort Smith? A. I live away up near the Kansas line.
- Q. Did you say you knew Charles Rowland? A. Well.
- Q. Was he a free colored person? A. Yes sir.
- Q. And you know that he married one of Johnson Whitmire's slaves named Nancy? A. Yes sir.
- Q. You cannot be mistaken about that? A. No sir.

WITNESS EXCUSED.

COMMISSION:

After the introduction of the above testimony by the Cherokee Nation, the attorneys for the applicants appeared, by their stenographer, Miss Sorenson, and filed with the Commission a motion for continuance.

MR. HASTINGS:

The attorneys for the Cherokee Nation object to the motion for continuance, filed in this case, for a number of reasons, to-wit:

FIRST:-- This case has been continued a number of times upon motion and at the request of the applicants;

SECOND: -- The motion for continuance is not shown to;

THIRD: -- The motion for continuance is not shown to be expected to be proven by said applicants.

that she is an important witness, and does not state what is expected to be proven by her, so that the Commission can pass upon the materiality and admissibility of the testimony;

FOURTH: -- Because the certificate of the attending physician is not sworn to.

COMMISSION:

The motion for continuance will be taken under advisement, and the attorneys will be notified by mail.

Eula Jeanes Branson, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause on the 11th day of May, 1905, and that the above and foregoing is a full and complete transcript of her stenographic notes taken in said cause on said date.

*Eula Jeanes Branson.*

Subscribed and sworn to before me this the 17th day of May, 1905.



*[Signature]*  
Notary Public

A. F. Mc.  
D. C. L.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of  
Martha Albert et al., as Cherokee freedmen, consolidating the  
applications of:

Martha Albert et al.	Cherokee Freedmen	(D 42)	R 418
Robert Barnes	"	(D 99)	R 419
Lula Knalls et al.,	"	(D 100)	R 420
Nancy Borkum et al.	"	(D 101)	R 420
Henry Albert et al.	"	(D 102)	R 421
John Barnes et al.,	"	(D 103)	R 422
Jerry Albert	"	(D 104)	R 423
Lillie White et al.,	"	(D 105)	R 424
Malinda McLain et al.	"	(D 114)	R 426
Frank Gardner	"	(D 144)	R 430
Joshua Barnes	"	(D 150)	R 427
Sarah Brown et al.	"	(D 151)	R 428
Minnie Barnes	"	(D 182)	R 429
Maggie Bell et al.,	"	(D 182)	R 431

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That applications for enrollment as Cherokee Freedmen were made to the Commission to the Five Civilized Tribes by Martha Albert for herself and minor children, Elijah and Ida Albert; by Robert Barnes for himself; by Lula Knalls for herself and minor children, Sarah French and Fred E. Knalls; by Nancy Borkum for herself and minor children, Annie and Walter Borkum; by Henry Albert for himself and minor

children, Harry and Raymond Albert, thereafter, on October 31, 1902, there was filed with the Commission an affidavit showing the birth, on June 4, 1902, of Lewey Albert, son of the applicant, Henry Albert; by John Barnes for himself and minor child, Gussie A. Barnes, thereafter, on August 20, 1902, there was filed with the Commission an affidavit showing the birth, on June 15, 1902, of John A. Barnes, son of the applicant, John Barnes; by Jerry Albert for himself; by Lillie White for herself and minor children, Mattie and Nancy White, thereafter, on July 1, 1902, there was filed with the Commission an affidavit showing the birth, on March 8, 1902, of Amos White, son of the applicant, Lillie White; by Charles McLain for his wife, Malinda McLain, and minor children, Samuel, Ella, Christiana, Charles, Turner and Jennetta McLain, thereafter, on September 1, 1901, there was filed with the Commission an affidavit showing the birth, on May 17, 1901, of Mattie McLain, daughter of the applicant, Malinda McLain; by Frank Gardner for himself; by Joshua Barnes for himself; by Sarah Brown for herself and minor child, Maggie Williams; by Minnie Barnes for herself; and by George C. Bell for his wife, Maggie Bell, thereafter, on November 7, 1901, there was filed with the Commission an affidavit showing the birth, on September 13, 1901, of George L. Bell, son of the applicant, Maggie Bell.

THE RECORDS FURTHER SHOW: That on January 11, 1904, the Commission rendered its decision herein, denying said applicants, except Mattie McLain, whose rights to enrollment, through an oversight, were not considered, the right to enrollment as Cherokee freedmen, and that on June 21, 1904 (Departmental letter I.T.D. 4732-04), said decision was duly affirmed by the Department; that, thereafter, on March 25, 1905 (Departmental letter I.T.D. 1332-05), on motion of the applicants, this case was reopened by the Department, and remanded for further testimony and readjudication; and that, thereafter, on April 13, and 27, and May 11, and June 22, 1905, further proceedings in the matter of said applications were had at Muskogee, Indian Territory.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant, Martha Albert, claims the right to enrollment as a Cherokee freedman by virtue of her compliance with the treaty stipulations of 1866, and that all the other applicants herein claim the same right as descendants of the said Martha Albert and one Jennie Barnes, deceased, who, it is alleged, complied with said treaty stipulations of 1866.

The following points are fully established by the evidence, no attempt having been made to disprove them:



(1) That the applicant, Martha Albert, and the said Jennie Barnes, deceased, were full sisters, and were born prior to the commencement of the rebellion.

(2) That all the other applicants herein were born since the commencement of the rebellion, are lineal descendants of the applicant, Martha Albert, and the said Jennie Barnes, deceased, and possess no rights to enrollment as Cherokee freedmen other than as such descendants.

(The records of this office fail to show that Ruth Barnes, mother of the applicants, Gussie A. and John A. Barnes, has ever made application for enrollment as a Cherokee freedman. Her mother, Millie White, and full sister, Viola White, and full brothers, Jim H. and Harry White, were originally listed for enrollment as Cherokee freedmen on Memorandum cards Nos. 10, 13, and 14, and were later transferred to Freedmen Rejected cards, Nos. 317, 320 and 321. On April 24, 1905, their applications for enrollment as Cherokee freedmen were denied by the Commission, and record forwarded to the Department.

George C. Bell, father of the minor applicant, George L. Bell, was denied enrollment as a Cherokee freedman, by the Commission, on April 20, 1904, and on May 26, 1904, -Departmental letter I.T.D. 4060-04, - the Commission's decision was approved by the Department).

THE EVIDENCE IN THIS CASE FURTHER SHOWS: That the applicant, Martha Albert, and the said Jennie Barnes, deceased, were neither the slaves of a Cherokee citizen, nor free colored persons residing in the Cherokee country at the commencement of the rebellion, but, rather, that several years prior to the commencement of said rebellion, they, together with their mother "Nancy", were sold to one Dillingham, a citizen of the United States, were removed from the Cherokee Nation, and it is further shown that they did not return to said Nation on or prior to February 11, 1867. Excepting the Wallace and Kern-Clifton Rolls, none of the applicants herein can be identified on any roll of the Cherokee Nation in the possession of this office.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 ( 30 Stat., 495), Martha Albert, Elijah Albert, Ida Albert, Robert Barnes, Lula Knalls, Sarah French, Fred E. Knalls, Nancy Borkum, Annie Borkum, Walter Borkum, Henry Albert, Harry Albert, Raymond Albert, Lewey Albert, John Barnes, Gussie A.

Barnes, John A. Barnes, Jerry Albert, Lillie White, Mattie White, Nancy White, Amos White, Melinda McLain, Samuel McLain, Ella McLain, Christiana McLain, Charles McLain, Turner McLain, Jennetta McLain, Mattie McLain, Frank Gardner, Joshua Barnes, Sarah Brown, Maggie Williams, Minnie Barnes, Maggie Bell and George L. Bell, are not entitled to enrollment as Cherokee freedmen, and their applications for enrollment as such are accordingly denied.

---

Commissioner

Dated at Muskogee, Indian Territory,

this \_\_\_\_\_

FD/50

12

# **NOTICE.**

## **Cherokee - Freedmen - Enrollment.**

The Commission to the Five Civilized Tribes will continue in session at

### **MUSKOGEE, IND. TER.,**

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Joshua Barnes,  
Penre, I.T.,  
Cherokee F-D-150  
Register.

TAMS BIXBY,  
T. B. NEEDLES,  
C. R. BRECKINRIDGE,  
Commissioners.



COPY.

Cherokee F. D-189

Muskogee, Indian Territory, January 11, 1904.

Joshua Barnes,

Douglas, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 11, 1904, rejecting, among others, your application for the enrollment of yourself as a Cherokee Freedman. There has heretofore been furnished your attorney, A. S. McRea, Muskogee, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

*T. B. Needles.*

Commissioner in Charge.

Enc. D42.

Register.

COPY.

Cherokee Freedmen  
D-42, et al.

Muskogee, Indian Territory, January 11, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 11, 1904, in the consolidated case of Martha Albert et al., rejecting the applications for the enrollment of Martha Albert, Elijah Albert, Ida Albert, Robert Barnes, Lula Knalls, Sarah French, Fred E. Knalls, Nancy Borkum, Annie Borkum, Walter Borkum, Henry Albert, Harry Albert, Raymond Albert, Lowey Albert, John Barnes, Gussie A. Barnes, John A. Barnes, Jerry Albert, Lillie White, Mattie White, Nancy White, Amos White, Melinda McLain, Samuel McLain, Ella McLain, Christiansa McLain, Charles McLain, Turner McLain, Jennetta McLain, Frank Gardner, Joshua Barnes, Sarah Brown, Maggie Williams, Minnie Barnes, Maggie Nell and George L. Nell, as Cherokee freedmen.

The decision, with the records of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be

made known to you as soon as the Commission is informed of the same.

Respectfully,

*T. B. Needles*

Enc. D-51.

Commissioner in Charge.

COPY.

Cherokee Freedmen  
D-42, et al.

Muskogee, Indian Territory, January 11, 1904.

A. S. McRea,

Attorney for Cherokee Nation,  
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 11, 1904, in the consolidated case of Martha Albert et al., rejecting the applications for the enrollment of Martha Albert, Elijah Albert, Ida Albert, Robert Barnes, Lula Knalls, Sarah French, Fred E. Knalls, Nancy Borkum, Annie Borkum, Walter Borkum, Henry Albert, Harry Albert, Raymond Albert, Lewey Albert, John Barnes, Gussie A. Barnes, John A. Barnes, Jerry Albert, Lillie White, Mattie White, Nancy White, Amos White, Malinda McLain, Samuel McLain, Ella McLain, Christiana McLain, Charles McLain, Turner McLain, Jennetta McLain, Frank Gardner, Joshua Barnes, Sarah Brown, Maggie Williams, Minnie Barnes, Maggie Bell and George L. Bell as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior



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for his review and decision. The action of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

*T. B. Needles*

Enc. D-20

Register.

Commissioner in Charge.

COPY.

Cherokee Freedmen  
D-42, et al.

Washoe, Indian Territory, January 11, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Martha Albert et al., including the Commission's decision, dated January 11, 1904, rejecting the applications for the enrollment of Martha Albert, Elijah Albert, Ida Albert, Robert Barnes, Lula Knalls, Sarah French, Fred E. Knalls, Nancy Berkus, Annie Berkus, Walter Berkus, Henry Albert, Harry Albert, Raymond Albert, Leroy Albert, John Barnes, Gussie A. Barnes, John A. Barnes, Jerry Albert, Lillie White, Mattie White, Nancy White, Amos White, Malinda McLain, Samuel McLain, Ella McLain, Christiansa McLain, Charles McLain, Turner McLain, Jennette McLain, Frank Gardner, Joshua Barnes, Sarah Brown, Maggie Williams, Minnie Barnes, Maggie Bell and George L. Bell, as Cherokee freedmen.

Respectfully,

T. E. McLean

Through the  
Commissioner of Indian Affairs.

Commissioner in Charge.

Enc. D-42.

Refer in reply to the following:

Land 3300-1904.

COPY

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, June 9, 1904.

In re

Application for enrollment

as Cherokee freedmen, viz:

Martha Albert, et al.	F.D. 42
Robert Barnes,	F.D. 50
Lula Knalls, et al.	F.D. 100
Nancy Berkum, et al.	F.D. 101
Henry <del>Knalls</del> , et al.	F.D. 102
John Barnes et al.	F.D. 103
Jerry Albert	F.D. 104
Lillie White, et al.	F.D. 105
Malinda Molain, et al.	F.D. 114
Frank Gardner	F.D. 140
Joshua Barnes,	F.D. 150
Sarah Brown et al.,	F.D. 151
Minnie Barnes,	F.D. 152
Maggie Bell, et al.	F.D. 152.

Consolidated.

The Honorable,

The secretary of the Interior.

Sir:

I have the honor to transmit herewith the record of proceedings had before the Commission to the Five Civilized Tribes in the above consolidated cases of Martha Albert et al., affecting the rights of thirty six applicants for enrollment as Cherokee freedmen. The Commission by its decision, dated January 11, 1904, denied the application of all the applicants in the above named cases, to be enrolled as Cherokee freedmen.

The record shows that applications for enrollment as  
freeborn persons were made to said Commission by Martin Albert  
for himself and minor children Elijah Albert and Ida Albert; by  
Robert Barnes for himself; by John McCall for himself and minor  
children, David French and Fred H. McCall; by Mary Barnes for  
herself and minor children; Annie Barnes and Walter Barnes; by  
Henry Albert for himself and minor children, Harry Albert and  
Raymond Albert; that subsequent to the date of the original applica-  
tion a birth affidavit, which is made a part of the record, was  
filed with the Commission, showing the birth of Lenny Albert; by  
John Barnes for himself and minor child, George A. Barnes, that  
subsequent to the date of the original application, a birth  
affidavit, which is made a part of the record herein, was filed  
with the Commission, showing the birth of John A. Barnes; by Jerry  
Albert for himself; by Lillie White for herself and minor children,  
Lillie White and Henry White; that subsequent to the date of the  
original application, a birth affidavit, which is made a part of  
the record herein, was filed with the Commission, showing the birth  
of Anna White; by Charles McCall for his wife, Malinda McCall and  
his minor children, Samuel, Ella, Christian, Charles, Turner and  
Jannetta McCall; by Frank Gardner for himself; by Joshua Barnes  
for himself; by Sarah Brown for herself and minor child, Maggie  
Williams; by Elsie Barnes for herself; by George C. Bell  
for his wife Maggie Bell, that subsequent to the date of the original  
application, a birth affidavit, which is made a part of the record  
herein, was filed with the Commission, showing the birth of George I.  
Bell.



permitted as Cherokee freedmen upon the claim made that the principal applicant Martha Albert and her sister, Jennie Barnes, now deceased, from whom the other applicants claim descent, were at the commencement of the War of the Rebellion the slaves of one Johnson Whitnair, a Cherokee citizen, that during the war these alleged slaves, Martha Albert and Jennie Barnes went South to Red river in the Cherokee Nation where they remained until the fall of 1866 when they claim to have returned with one Ellis Harlin to the Cherokee Nation and settled with him on the Gale Starr place near Cherokee Junction. The evidence adduced shows that Johnson Whitnair and George Whitnair, brothers and Cherokee citizens, owned before the war several slaves, designated as the "Whitnair darkies." The attempt to identify Martha Albert and Jennie Barnes as one of the "Whitnair darkies" at the commencement of the war has signally failed.

Walt Whitnair, son of Johnson Whitnair, who claims to have known the names of all his slaves of his father, testified that he had no recollection of any two female girl slaves named Martha and Jennie and cannot even recall the fact that his father ever owned a slave named Nancy Whitnair, the mother of said girls. Harry Still whose master was George Whitnair, brother to Johnson Whitnair who only lived four miles distant and knew all the colored people raised by Johnson Whitnair; testified positively that Johnson Whitnair did not own a slave named Nancy Whitnair nor a slave named Martha Whitnair. J. W. Albert who lived in the Going Snake district, Cherokee Nation

Before the war and who well knew Johnson Whitacre from whom he lived a distance of ten or twelve miles, testified, that the Whitacre boys, George Whitacre and Johnson Whitacre, at the time they divided up their property in 1847 sold a slave named Nancy Whitacre with her whole family to a man named Dillingham who moved them with his family right across the line into Arkansas at a town called Dutch Town or Salen where he remained until he moved to Texas in 1850-1; that he knew the darkies "better after Dillingham got them than I did before" and that Dillingham only lived five miles from where witnesses then lived. It is evident that the principal applicant Martha Albert and her sister Jennie Barnes were living in Arkansas instead of the Choctaw Nation at the close of the war as Jennie Barnes' husband testified that he married her in November, 1864, at Fort Smith, Arkansas, where it appears Jennie Barnes was hired out and where her husband worked much of his time after marriage. Martha Albert claims to have married her husband in the Choctaw Nation during the war while her husband denies having married her until after his return to the Cherokee Nation. The death of Nancy Whitacre, the mother of the principal applicant Martha Albert, is shown to have occurred in 1846 but the place of her burial is not definitely shown. The belief that the principal applicant, Martha Albert was living in Arkansas and not in the Choctaw Nation as alleged by her, is further strengthened by the testimony of Mrs. Ruth Hunt nee Ruth Harlin and Mrs. Emma Finley nee Emma Harlin, daughters of Ellis Harlin

-3-

with whom it is claimed Nancy Whitacre and her two daughters, Martha and Jennie returned from the Cherokee Nation to the Cherokee Nation in November 1866. Mrs. Hunt and Mrs. Finley testify positively to the fact that their father Ellis Harlin did not return to the Cherokee Nation until February or March 1867, and that no colored people returned in his company, that the first time they ever saw Martha Albert was in the "summer of 1867" when their father "went over in Arkansas somewhere towards Van Buren and hired the man to come and work", that the man's name was Albert and his wife's name was Martha, that neither the man nor his wife ever claimed to have ever been the slaves of Johnson Whitacre when witnesses knew before the war, nor did either claim to be a Cherokee freedman that they ever heard of, until the fall was taken at Vinita in 1888 and applicants are identified as former hired help. John Milton testified that Martha Albert's husband told him, "he found her at the Harlin place." If that be true and Martha Albert admits that on her return she first settled on the Gale Starr place on which Ellis Harlin lived it is evident that she did not return to the Cherokee Nation until the "summer of 1867." In view of all the facts and circumstances of this case, this office is of the opinion that the principal applicant Martha Albert and her sister Jennie Barnes, now deceased, of whom the other applicants claim to be descendants, were not the slaves of Cherokee citizens at the commencement of the War of the Rebellion nor were they free colored persons in the Cherokee Nation at the commencement of the rebellion and even had

they been, which is denied, it is shown that they went out of the Cherokee Nation and did not return thereto prior to February 11, 1867, in contravention of the treaty of July 19, 1866, which provides:

"All freedmen who have been liberated by voluntary act of their former owners or by law, as well as all free colored persons who were in the country at the commencement of the rebellion and were now residents therein, or who may return within six months, and their descendants, shall have all the rights of Native Cherokees."

As the burden of proof lies upon claimants to establish their rights to recognition as Cherokee freedmen under the provisions of the treaty of July 19, 1866, and as they have failed to bring themselves within its purview, it follows that all of the foregoing applications as Cherokee freedmen must be denied.

We come now to the discussion of another point involved. It appears of record that the names of Martha Albert and her minor children Elijah and Ida are found upon the Kerns-Glifton roll while the names of several of the descendants are found upon the Wallace roll. None of the applicants names are to be found upon the authenticated roll of 1880 nor upon the census roll of 1896.

Attorney for applicants contends that as the name of Martha Albert and her minor children, Elijah and Ida appear upon the Kerns-Glifton roll, that such fact is conclusive of their rights as Cherokee freedmen and pleads res adjudicata to any action by the Commission. Such contention can not be maintained. Congress by Act of June 23, 1896, sec. 21, directed the Commission



to the five Civilized Tribes as follows:

"It shall make a roll of Cherokee freedmen in strict compliance with the decree of the Court of Claims rendered the third day of February eighteen hundred and ninety-six."

The Court in its decree of February 3, 1896 (Case P. 4), instructed said commission as follows:

"The said Commissioners in ascertaining the identity of the freedmen entitled to share under the decree, shall accept what is known as the authenticated Cherokee roll, the same now being on file in the office of the Secretary of the Interior, having been furnished to him and purporting to have been taken by the Cherokee Nation in 1860 for the purpose of showing the number of freedmen then entitled to citizenship in the said nation under the terms of the treaty between the United States and the Cherokee Nation heretofore referred to, and their descendants, and no evidence shall be accepted by said commission tending to disprove the citizenship of any of the persons whose names appear upon said roll", and supplementary thereto, Sec. 21, of the Act of June 28, 1866, states squarely the proposition that the roll of Cherokee citizens of 1860 (not including freedmen) is "the only roll intended to be confirmed by this and preceding Acts of Congress", thus in effect declaring that the plea of res adjudicata can not prevail unless the name of the applicant appears upon the authenticated roll of 1860 - which is not here claimed. Neither the fact of claimant's name appearing upon the Kerns-Clifton roll nor the fact of the names of her descendants

appearing upon the witness roll, constituted any bar to further action by the Commission, as the Commission was expressly empowered by sec. 11 of the Act of June 28, 1878, to "investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, annulling only such as may have lawful right therein." Thus the Commission was left free to act, as upon a new inquiry, to determine what freedom, omitted from the roll of 1880 but "whose names are found on any other rolls" are entitled to the benefit of Article IX of the treaty of 1866. For the foregoing reasons, I concur in the opinion of the Commission that the applications for enrollment of Martin Albert, Elijah Albert, Ida Albert, Robert Barnes, Julia Knull, Sarah French, Fred R. Knull, Harry Berkun, Annie Berkun, Walter Berkun, Harry Albert, Harry Albert Raymond Albert, Lewis Albert, John Barnes, Cassie A. Barnes, John A. Barnes, Jerry Albert, Lillie White, Mattie White, Nancy White, Ann White, Malinda McLain, Samuel McLain, Ella McLain, Christian McLain, Charles McLain, Turner McLain, Jennetta McLain, Frank Gardner, Joshua Barnes, Maggie Bell and George L. Bell, as Cherokee freedmen, should be denied under the provisions of sec. 11 of the Act of Congress approved June 28, 1878 (20 Stat., 495), and it is recommended that the decision of the Commission therein, dated January 11, 1904, be affirmed.

Very respectfully,

A. G. Yenor,

Acting Commissioner.

D.C. 21473-1904

I.T.D. 4733-1904.

L R S

V.C.F.

J.P.

FILE

DEPARTMENT OF THE INTERIOR,

WASHINGTON, June 21, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

January 11, 1904, you transmitted the record in the consolidated case embracing the applications of Martha Albert et al (P.D.-42), for enrollment as Cherokee freedmen, including your decision of the same date, rejecting the applications.

Reporting June 9, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department affirms your decision, for the reasons stated therein.

Respectfully,

(Signed) E. A. Hitchcock,  
Secretary.

1 inclosure.

Cherokee Freedman

D-180.

Muskogee, Indian Territory, June 28, 1904.

Joshua Barnes,

Dodge, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated January 11, 1904, rejecting among others, your application for the enrollment of yourself as a Cherokee freedman, was affirmed by the Secretary of the Interior on June 21, 1904.

Respectfully,

Commissioner in Charge.



Cherokee Freedmen

B-48 et al.

Muskogee, Indian Territory, June 26, 1904.

A. S. McKee,

Attorney for Martha Albert, et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated January 11, 1904, rejecting the applications for the enrollment of Martha, Elijah, Ida, Albert, Robert Barnes, Ella Knalls, Sarah French, Fred E. Knalls, Henry, Harry, Raymond, Leroy, Albert, John, Gustad, John A., Barnes, Jerry Albert, Lillie, Mattie, Nancy, Ance, White, Malinda, Samuel, Ella, Charles, Turner, Jennette, Christiana, Melinda, Frank Gardner, Joshua Barnes, Sarah Brown, Maggie Williams, Minnie Barnes, Maggie, George L., Bell, Nancy, Annie, Walter, Barnes, was affirmed by the Secretary of the Interior on June 21, 1904.

Respectfully,

Commissioner in Charge

Shoshone Freedmen

D-42 et al.

Mustang, Indian Territory, June 28, 1904.

W. W. Hastings,

Attorney for the Shoshone Nation,

Chiloquah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated January 11, 1904, rejecting the applications for the enrollment of Martha, Elijah and Ida Albert; Robert Barnes; Lula Knalls; Sarah French; and Fred E. Knalls; Nancy, Annie and Walter Perkins; Henry, Harry, Raymond and Leroy Albert; John, George A., and John, Barnes; Jerry Albert; Lillie, Mattie, Mattie, Nancy, and Anna White; Malinda, Samuel, Ella, Charles, Turner, Jennetta, Christiana, Melinda; Frank Gardner; Jackson Barnes; Sarah Brown; Maggie Williams; Minnie Barnes; Maggie, George L., Bell; was affirmed by the Secretary of the Interior on June 21, 1904.

Respectfully,

Commissioner in Charge.

W. C. F.  
FHE.

DEPARTMENT OF THE INTERIOR,

D. C. 26475-1906  
I. T. D. 12322-1906.

WASHINGTON. March 25, 1908.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

The Department has considered a motion filed by attorneys Neal and Lendon, of Fort Smith, Arkansas, dated December 10, 1904, to reopen the Cherokee enrollment case of Martha Albert, et al.

January 11, 1904, you decided that the applicants in said case were not entitled to enrollment, and on June 21, 1904, your decision was approved by the Department.

The attorneys desire the case reopened in order that newly discovered evidence may be introduced to show that previous to the breaking out of the war Johnson Whitacre owned two slaves by the name of Martha; that prior to the breaking out of the war one of said slaves was sold to a man named Dillingham who lived in Arkansas; that she married a man named Williams; that the other Martha, known as "Little Martha", who is one of the applicants in the case of Martha Albert, et al, married a man named Albert who lived in the Cherokee Nation. It is claimed by said attorneys that the evidence introduced by the Cherokee

Notice at the original hearing does not apply to the applicant herein.

It appears from the motion and the affidavits submitted that the case should be reopened. The motion is hereby granted. You will so notify the applicants and their attorneys and the attorney for the Cherokee Nation, and allow a reasonable time for the introduction of additional testimony, after which you will readjudicate the case.

The motion, the record and other papers in the case are inclosed.

Respectfully,

(Signed) E. A. Hitchcock

Secretary.

4 inclosures.



COPY.

Cherokee Freedmen

R-427.

Muskogee, Indian Territory, April 8, 1905.

Joshua Barnes,

Dango, Indian Territory.

Dear Sir:

In the matter of the application for your enrollment as a Cherokee freedman, you are advised that the Commission is in receipt of departmental letter of March 25, 1905 (I.T.D.1382-1905), remanding this case for rehearing and readjudication.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, April 20, 1905, and introduce such testimony as you may desire in the matter of your said application. You are further advised that the Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in this case.

For your information there is herewith inclosed a copy of departmental letter referred to.

Respectfully,

Incl. S-58.  
Register.

(SIGNED) *I. B. Needles.*  
Commissioner in Charge.

COPY.

Cherokee Freedmen

R-418, et al.

Muskogee, Indian Territory, April 8, 1906.

Neal & London,

Attorneys for Martha Albert, et al.,

Fort Smith, Arkansas,

Gentlemen:

In the matter of the applications for the enrollment of Martha Albert, et al., as Cherokee freedmen, you are advised that the Commission is in receipt of departmental letter of March 25, 1905 (I.T.D. 1382-1905), remanding this case for rehearing and readjudication.

The applicants have, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, April 20, 1905, and introduce such testimony as they may desire in support of their said applications. You are advised that the Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in these cases.

For your information there is herewith inclosed a copy of departmental letter referred to.

Respectfully,

Incl. S-63.  
Register,

(SIGNED) *T. B. Needles.*  
Commissioner in Charge.

COPY.

Cherokee Freedmen

R-412, et al.

Muskogee, Indian Territory, April 2, 1905.

Bell, Hastings & Davenport,  
Attorneys for the Cherokee Nation,  
Muskogee, Indian Territory.

Gentlemen:

In the matter of the applications for the enrollment of Martha Albert, et al., as Cherokee freedmen, you are advised that this Commission is in receipt of departmental letter of March 25, 1905 (I.T.D. 1332-1905), remanding this case for rehearing and readjudication.

The applicants have, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, April 20, 1905, and introduce such testimony as they may desire in support of their said applications. You are advised that the Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in these cases.

For your information there is herewith inclosed a copy of departmental letter referred to.

Respectfully,

Incl. 3-62

(SIGNED) *I. B. Needles.*  
Commissioner in Charge.

COPY.

Cherokee Freedman R 418 et al

Muskogee, Indian Territory, July 24, 1908

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the applications for the enrollment as Cherokee Freedmen of Martha Albert, Elijah Albert, Ida Albert, Robert Barnes, Lula Knalls, Sarah French, Fred E. Knalls, Nancy Borkum, Annie Borkum, Walter Borkum Henry Albert, Harry Albert, Raymond Albert, Lewis Albert, John Barnes, Cassie A. Barnes, John A. Barnes, Jerry Albert, Lillie White, Mattie White, Nancy White, Anna White, Malinda McLain, Samuel McLain, Ella McLain, Christiansa McLain, Charles McLain, Turner McLain, Jennette McLain, Mattie McLain, Frank Gardner, Joshua Barnes, Sarah Brown, Maggie Williams, Minnie Barnes, Maggie Bell and George L. Bell, including the decision of the Commissioner to the Five Civilized Tribes dated July 24, 1908, rejecting said applications.

On January 11, 1904, the Commission to the Five Civilized Tribes rendered its decision denying said applicants.



Secretary--B-

accepting Mattie Melain, whose rights to enrollment were not at that time considered, and on June 21, 1904 (I.T.D. 4732-1904), said decision was affirmed by the Department. On March 25, 1905 (I.T.D. 1212-1905), this case was re-opened by the Department, and remanded for further hearing and readjudication.

Respectfully,

(SIGNED)

*Tame Bixby*

Commissioner

Through the

Commissioner of Indian Affairs.

Cherokee Freedmen  
N 418 et al.

COPY.

Muskogee, Indian Territory, July 24, 1906

Ball, Hastings and Ravenport,  
Attorneys for the Cherokee Nation,  
Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith the decision of the Commissioner to the Five Civilized Tribes, dated July 24, 1906, rejecting the applicants for enrollment as Cherokee Freedmen embraced in the consolidated cases of Martha Albert et al., C.F.R. 418, Robert Barnes, C.F.R. 419, Lula Knull et al., C.F.R. 420, Henry Berkum et al., C.F.R. 421, Henry Albert et al., C.F.R. 422, John Barnes et al., C.F.R. 423, Jerry Albert, C.F.R. 424, Lillie White et al., C.F.R. 425, Malinda McLain et al., C.F.R. 426, Frank Gardner, C.F.R. 430, Joshua Barnes C.F.R. 437, Sarah Brown et al., C.F.R. 428, Minnie Barnes, C.F.R. 429, and Maggie Bell et al., C.F.R. 431. You have heretofore been furnished with a copy of the record of proceedings.

Ball, Hastings & Newport-2

The decision, with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Encl. 2-26

(SIGNED)

Tamé Dixby.

Commissioner

Cherokee Freedmen  
R 418 et al.

COPY.

Washita, Indian Territory, July 24, 1906

Neal and Landon,

Attorneys for Martha Albert et al.

Fort Smith, Arkansas.

Gentlemen:

There is inclosed here with the decision of the Commissioner to the Five Civilized Tribes, dated July 24, 1906, rejecting the applicants for enrollment as Cherokee Freedmen embraced in the consolidated cases of Martha Albert, et al., C.F.R., 418, Robert Barnes, C.F.R. 419, Lula Knolls et al., C.F.R. 420, Nancy Perkins, et al., C.F.R. 422, Henry Albert et al., C.F.R. 421, John Barnes et al., C.F.R. 423, Jerry Albert, C.F.R. 424, Lillie White et al., C.F.R. 426, Malinda McLain et al., C.F.R. 425, Frank Gardner, C.F.R. 430, Joshua Barnes, C.F.R. 427, Sarah Brown et al., C.F.R. 428, Minnie Barnes, C.F.R. 429, and Maggie Ball et al., C.F.R. 431. You have heretofore been furnished with a copy of the record of proceedings.



Seal and London--2.

The decision, with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

(SIGNED)

*James Bixby.*  
Commissioner

Incl. B-38

Cherokee Freedman  
R-427

COPY.

Muskogee, Indian Territory, July 24, 1908

Joshua Barnes,

Dodge, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated July 24, 1908, denying your application for enrollment as a Cherokee freedman. There has heretofore been furnished your attorneys, Neal and London, Fort Smith, Arkansas, a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commissioner's decision.

The decision, with the record of proceedings had in this case, has this day been transmitted to the secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED: *Tame Dixby*

Commissioner

Incl. R-31

LANDS  
1893-1908.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

August 12, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes, dated July 24, 1908, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Martha Albert for herself and her minor children, Elijah and Ida Albert; by Robert Barnes for himself; by Lula Knalls for herself and her minor children, Sarah French and Fred H. Knalls; by Nancy Berken for herself and her minor children, Annie and Walter Berken; by Henry Albert for himself and his minor children, Harry, Raymond and Levey Albert; by John Barnes for himself and minor children, Sussie A. and John A. Barnes; by Jerry Albert for himself; by Lillie White for herself and her minor children, Mattie, Nancy, and Amos White; by Charles McClain for his wife, Malinda McClain, and his minor children, Samuel, Ella, Christiansa, Charles, Turner, Jennetta and Mattie McClain; by Frank Gardner for himself; by Joshua Barnes for himself; by Sarah Brown for herself and minor child, Maggie Williams; by Minnie Barnes for herself, and by George C. Bell for his wife, Maggie Bell, and his minor child, George L. Bell.

July 24, 1905, the Commission decided adversely to all the applicants.

The record shows that on January 11, 1904, the Commission rendered a decision denying these applicants, except Mattie McClain inadvertently omitted, and that on June 21, 1904, the decision was affirmed by the Department; that thereafter, on March 25, 1905 (I.T.D. 1332-1905) the Department reopened and remanded the case for further testimony and readjudication.

The record further shows that the applicant, Martha Albert and Jennie Barnes, deceased, were full sisters, and were born prior to the beginning of the war of the rebellion; that all the other applicants were born since the beginning of the war, are lineal descendants of the applicant, Martha Albert and Jennie Barnes, deceased, and possess no rights to enrollment other than as such descendants.

It is further shown that the applicant, Martha Albert and Jennie Barnes, deceased, were neither the slaves of a Cherokee citizen, nor free colored persons residing in the Cherokee country at the beginning of the war of the rebellion, and that they did not return to the Cherokee Nation on or before February 11, 1867.

Excepting the Wallace and Kern-Clifton, none of the applicants is identified on any roll of the Cherokee Nation.

In view of the record the approval of the Commission's decision adverse to all of the applicants is recommended.

Very respectfully,  
C. F. Larrabee,  
Acting Commissioner.

M.M.M.  
V.

-COPY-

C.R.

DEPARTMENT OF THE INTERIOR, H.B.  
WASHINGTON.

D.C. 22050.  
I.R.N. 4732-1904.  
1330-1906.  
8760- " "  
10000- " "

June 2, 1906.

I.R.N.

Commissioner to the Five Civilized Tribes,  
Washoe, Indian Territory.

SIR:

July 24, 1905, you transmitted the remanded record with your readjudication in the matter of the consolidated applications for the enrollment of Martha Albert et al. as Cherokee freedmen, including your decision of same date, adverse to all the applicants.

August 12, 1905, the Acting Commissioner to Indian Affairs reporting thereon, recommended that your decision dated July 24, 1905, adverse to all the applicants named in his said letter, be approved. A copy of his letter, including the names of applicants affected by this decision, is inclosed.

The Department concurs in the recommendation made and your decision dated July 24, 1905, denying the application for the enrollment of Martha Albert and others named in Indian Office letter of August 12, 1905, is hereby affirmed.

A motion for review of said decision filed with the Department on September 7, 1905, by Messrs. Blue & Balger and



Between, Brown & Mahan, attorneys for moving parties therein,  
is hereby denied.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

1 inclosure.

Cherokee Freedman  
R 427

COPY.

Muskogee, Indian Territory, June 15, 1906.

Joshua Barnes,

Benge, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes dated July 24, 1906, rejecting, among others, application for your enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior June 2, 1906, and that a motion for review of your case filed September 7, 1905, is denied.

Respectfully,

*Tamm Birby.*  
Commissioner.

MP

Cherokee Freedmen  
R 418

COPY.

Muskogee, Indian Territory, June 15, 1906.

Blus & Bulger,

Attorneys for Martha Albert,

Baxter Springs, Kansas.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes dated July 24, 1905, rejecting the applications of Martha Albert et al, for enrollment as Cherokee freedmen, was affirmed by the Secretary of the Interior June 2, 1906, and that the motion filed by you September 7, 1905, for a review of said case is denied.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED.

Tams Bixby.  
Commissioner.

Incl. P-17  
MBP

Cherokee Freed-  
men 2 418

COPY.

Muskogee, Indian Territory, June 15, 1906.

Bell, Hastings & Davenport,  
Attorneys for Cherokee Nation,  
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes dated July 24, 1905, rejecting the applications of Martha Albert et al, for enrollment as Cherokee freedmen, was affirmed by the Secretary of the Interior June 2, 1906, and that a motion filed September 7, 1905, for a review of said case is denied.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

*James Dixby.*  
Commissioner.

Incl. P-16  
MCP

Cherokee Freedman  
R 418

COPY.

Muskogee, Indian Territory, June 15, 1906.

Neal & Lendon,  
Attorneys for Martha Albert,  
Ft. Smith, Arkansas.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes dated July 24, 1905, rejecting the applications of Martha Albert et al, for enrollment as Cherokee freedmen, was affirmed by the Secretary of the Interior June 2, 1906, and that a motion filed September 7, 1905, for a review of said case is denied.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

(SIGNED)

*Tamie Bixby.*

Commissioner.

Incl. P-18  
MMP



Cher Fr R 428

see Cher Fr R 418-427 and  
429 thru 431

Cher Fr R 428

Q

151

COPIES OF THE  
ON TO THE  
BLIND  
APR 22 1901

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Fort Gibson, I.T., April 23, 1901.

In the matter of the application of Sarah Brown for the enrollment of herself and one child as Cherokee Freedmen.  
Sarah Brown, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Sarah Brown.  
Q What is your age? A 30.  
Q What is your post office address? A Sanga.  
Q What district do you live in? A Sequoyah.  
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.  
Q Did you ever apply to be enrolled in any other nation or tribe?  
A No, sir.  
Q Is your name found upon the authenticated roll of 1880?  
A No, sir.  
Q Or the census roll of 1896? A No, sir.  
Q Who do you desire to enroll besides yourself? A A child, a girl.  
Q What is its name? A Magie Williams.  
Q How old is Magie Williams? A 10 years old.  
Q Does Magie Williams's name appear upon any of the rolls of the Cherokee Nation? A Yes, sir, it appears upon the Wallace roll.  
Q Are you married? A Yes, sir.  
Q What is your husband's name? A Sam Brown.  
Q Is he a Cherokee citizen? A No, sir.  
Q Were you ever married before you married Sam Brown? A Yes, sir.  
Q What was your former husband's name? A Marcus Williams.  
Q Was he a citizen of the Cherokee Nation? A No, sir.  
Q Is he living now? A No, sir, he is dead.  
Q Did he die before you married Sam Brown? A Yes, sir.  
Q Did Sam Brown ever have a wife before you? A I don't know, sir.  
Q You are the first one you know of? A Yes, sir.  
Q Is he living now? A Yes, sir.  
Q Who is the father of Magie Williams? A Marcus Williams.  
Q What is your father's name? A Sam Barnes.  
Q What is your mother's name? A Jennie Kitt Barnes.  
Q Is Jennie Barnes living? A No, sir, she is dead.  
Q Was she a Cherokee Freedman? A Yes, sir.  
Q Was your father a Cherokee Freedman? A No, sir.  
Q Is he living? A Yes, sir.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicants not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicants not identified thereon.

- Q Did you draw what is known as strip money, the Cherokee strip?  
A On the Kerms-Clifton roll, no, sir, I didn't get it.

The Wallace roll examined, and the applicant Sarah Brown identified thereon, page 89, No. 2131, Going Snake district, as Sarah Barnes.

- Q Do you know Magie Barnes? A Yes, sir, that is my sister.  
Q This child's name then does not appear on any roll?

A I don't know, sir, whether her name is on any roll, I know that we went to enroll her at Muldrow, put her name on the roll; I think her name is on the Wallace roll, I will not be very sure but I think her name is on the Wallace roll.

- Q The Wallace roll was made before she was born, in 1883.  
A. S. McRee, attorney for applicant: We want the testimony of Mrs.

Mary Albert, who testified in behalf of John and Robert Barnes, who appear upon a doubtful card, filed in this case.

- Commissioner: Where were you born? A I was born in the Nation.  
Q Have you always lived in the Nation? A Yes, sir.

Q All your life? A Yes, sir.

Sarah Brown - 2.

Q. You live here now? A. Yes, sir.

Commissioner Needles: Sarah Brown applies for the enrollment of herself and one child named Maggie Williams. She avers that her maiden name is Barnes and that she was first married to one Marcus Williams, by whom she has the child Maggie Williams. Upon the death of Marcus Williams, she married Sam Brown, her present husband. Her name is not found on the authenticated roll of 1880 or the census roll of 1896. Her name is found on the Wallace roll. The name of her child, Maggie, cannot be found upon any roll of the Cherokee Nation. Reference is made to the testimony of Martha Albert in the matter of her enrollment, Cherokee Freedmen Doubtful card D.42, and the same will be filed with this case. The name of Sarah Brown will be placed upon a doubtful card, awaiting further testimony in her behalf, and further investigation, and her child, Maggie Williams, will also be placed upon a doubtful card upon her filing with this Commission satisfactory proof of birth of said child.

\*\*\*\*\*

Bruce C. Jones, being duly sworn ~~and examined by the Commissioner~~ says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

*Bruce C. Jones*  
Sworn to and subscribed before me this the 24th of April, 1901.

*W. H. Kinnear*

Commissioner.





MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date APR 23 1901

Post Office

District

Benge, D. H.  
Saginaw

1. Name

Owner's name

Age

Citizenship

Year

Page

No.

District

Parents:

Father

Citizenship

Mother

Citizenship

1. Name of wife

Sarah Brown

Age

30

Owner's name

Year

Wallace

Page

99

No.

2131

District

Citizenship

J. Snaki

Parents:

Father

Sam Barnes

Citizenship

non cit - col

Mother

Jessie Barnes

Citizenship

freedman

Names of Children:

Maggie Williams

3.

Year

Page

No.

Dist.

10

4.

Year

Page

No.

Dist.

5.

Year

Page

No.

Dist.

6.

Year

Page

No.

Dist.

7.

Year

Page

No.

Dist.

8.

Year

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No.

Dist.

9.

Year

Page

No.

Dist.

10.

Year

Page

No.

Dist.

11.

Year

Page

No.

Dist.

12.

Year

Page

No.

Dist.

Application made by

Sarah Brown

Stenographer

B. C. Jones

Not On Wallace roll as Sarah Barnes.  
Not Birth certificate required.

1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.

CHEROKEE FREEDMAN. 20151

20

IN RE

Application for Enrollment of

INFANT CHILD

Maggie Williams  
as a citizen of

Cherokee Nation.

Approved

23

1901

*[Signature]*  
Commissioner.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED  
APR 23 1901

*[Signature]*  
ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the **CHEROKEE** Nation,  
of Maggie Williams, born on the 6 day of March, 1891  
(insert name of child)  
Name of Father: Marcus Williams, a citizen of the U.S. Nation.  
Name of Mother: Sarah Brown, a citizen of the Cherokee Nation.  
Post-office, Benge, S.G.

## AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
District. }

I, Sarah Brown, on oath state that I am 30  
years of age and a citizen, by adoption of the Cherokee Nation;  
that I am the lawful wife of Marcus Williams deed, who is a citizen, by  
W. S., of the United States Nation, that a Female child was  
(male or female.)  
born to me on the 6 day of March, 1891; that said child has been  
named Maggie Williams, and is now living.

WITNESSES TO MARK

(Must be Two Witnesses)

Sarah Brown

Subscribed and sworn to before me this 23<sup>d</sup> day of April, 1901.

J. O. Bludsoe

NOTARY PUBLIC.

## AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
Northern District. }

I, Ellen Meldon, midwife, on oath state that I  
attended on Mrs. Sarah Brown formerly Williams wife of Sarah Brown,  
on the 6<sup>th</sup> day of March, 1891; that there was born to her on  
said date a Female child; that said child is now living and is said to have been  
(male or female.)  
named Maggie Williams.

WITNESSES TO MARK:

(Must be Two Witnesses)

Sarah Brown  
R. S. McRaeEllen Meldon  
mark

Subscribed and sworn to before me this 23<sup>d</sup> day of April, 1901.

J. O. Bludsoe

NOTARY PUBLIC.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED  
APR 26 1901

  
ACTING CHAIRMAN.

2151

CONFIDENTIAL

To be filed with case of Sarah Brown,  
Cherokee Freedman D-151.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Fort Gibson, I.T., April 18, 1901.

In the matter of the application of Robert Barnes for the enrollment of himself as a Cherokee Freedman; being sworn and examined by Commissioner Breckinridge, he testified as follows:

\* \* \* \* \*

Martha Albert, being sworn and examined by Commissioner Breckinridge, testified as follows:

- Q Give me your name there please? A Martha Albert  
Q How old are you? A I am about 57 or 8 years old.  
Q What is your post-office? A Melvin.  
Q In what district do you live? A Live in Tahlequah District.  
Q You want to give some evidence here in the application of Robert Barnes don't you for enrollment? A Yes, sir.  
Q You have made an application for yourself and two children?  
A Yes, sir.  
Com'r: This is D-48.  
Q A trouble in your application appeared to be to establish when you came back to the Cherokee Nation after the war?  
A I came back here two months before the '66 treaty went off.  
Q You know Robert Barnes do you? A Yes, sir.  
Q How long have you known him? A I have knowed him ever since he has been born; he was my sister's child.  
Q Child of your sister Jennie? A Yes, sir.  
Q Were you and she taken out of the Cherokee Nation during the war? A We went to Red River in the Choctaw Nation.  
Q You didn't go across the river? A No, sir, we never crosses into Texas.  
Q Was your sister there with you? A Yes, sir.  
Q And both of you belonged at that time to Johnson Whitwire, did you? A Yes, sir.  
Q Well, did she come back with you? A Yes, sir.  
Q Johnson Whitwire brought you back both back? A No, sir, my father brought us back.  
Q You and your sister came back together? A Yes, sir.  
Q What was the father doing down there? A Well we went south.  
Q Was he working down there? A Yes, sir.  
Q On a plantation? A Yes, sir, he was a free man; he always just dig wells around for people.  
Q Your father was a free man? A Yes, sir.  
Q But your mother was a slave? A Yes, sir.  
Q Did she come back with you and your sister? A Yes, sir.  
Q What business did you say your father did? A He dug wells and worked around for people.  
Q And he brought your mother and both of you back? A Yes, sir.  
Q In what year did he bring you and your sister? A In 1866 when I came back here.  
Q What time of the year was it? A It was in the fall of the year.  
Q Where did your sister locate when she came back? A She located down here close to Cherokee Junction.  
Q Were you in the same neighborhood with her? A Yes sir, right in the same year.  
Q Were you on a plantation or about the town? A I was on Ogle Starr's place.  
Q On a farm? A Yes, sir.  
Q He is not living now, Ogle Starr, is he? A I don't know.  
Q Any of his children living? A I don't know.  
Q Is his wife living? A I don't know that, neither; I have been living in Sequoyah.  
Q Are there any of the people who were living there on that place at that time living now? A No, sir, not on that place; there wasn't



no one there but us working the farm, rented the place.

Q You and your sister were on that place? A Yes, sir.

Q But there were no colored people on it but just you and your people? A Yes, sir.

Q Tell now how many people were in your family at that time, you and your sister and who else? A Me and my sister and our husbands.

Q Was your husband then living, Sam Barnes? A Yes, sir.

Q And your husband, is he living? A Yes, sir.

Q Has your husband testified in your case? A No, sir.

Q Why didn't you bring your husband? A He is in here somewhere.

Q Your sister's husband is not here is he? A No, sir.

Q Did your husband go around the country digging wells after he got back? A My father.

Q Was he with you when you got back? A Yes, sir, brought us back.

Q Did he go around the country digging wells? A No, sir, didn't dig any wells after he got back.

Q What else did he do? A He farmed.

Q Was he living with you there on Mr. Starr's place? A Yes, sir.

Q Your father is dead now? A Yes, sir.

Q Who had farms there in that neighborhood? A Old Uncle Jack Campbell.

Q Is he alive? A No, sir, he is dead.

Q Anybody else? A Yes, sir, Dave Choate had a place right there joining.

Q Named Choate? A Named Choate, Cherokee.

Q Is he living? A I don't know.

Q Do you know anybody who is living now that was living in that neighborhood there and knew you all? A Yes, sir.

Q Tell give their names? A Eliza Franklin, it aint Franklin now; that was her name when I knew her; her name is Eliza McGready now.

Q Is she about the same now? A No, sir, she is living down in Sequoyah; she is a Cherokee.

Examined by Cherokee Representative, W. W. Hastings:

Q Where were you married? A We married in slavery time; we married in the Choctaw Nation.

Q Your husband came back with you also? A Yes, sir.

Q I thought you said your father brought you back? A Well, my father was the leading one brought us back.

Q Where was your sister married? A She was married here under the Cherokee law.

Q She wasn't married down there? A No, sir.

Q Her husband didn't come back with her? A No, sir.

Q Where was Robert Barnes? A Down in Sequoyah.

Q On what place? A Right there on the Gale Starr place.

Q How far from Ft. Smith? A About four miles.

Q And by the river, on this side? A Yes, sir.

Q You say Gale Starr was living there at the time? A No, sir, old man Ellis Harlin was living there.

Q He had a family? A Yes, sir.

Q One of them named Emma? A Yes, sir.

Q She was living there? A Yes, sir.

Q Another one named Ruth? A That's right.

Q She was living there at that time? A Yes, sir. And a boy named Ose.

Q And Ose was living there at that time? A Yes, sir.

Q He knew your people now? A Yes, sir.

Examined by Commissioner Breckinridge:

Q How many children have you? A I have got six.

Q Where was your oldest child born? A Born in Sequoyah.

Q After you got back after the war? A Yes, sir.

Q How old is that child? A About 37 years old.

Q How long had you been married down in the Choctaw Nation when you got back? A We married time of the war.

- Q Along towards the last of the war? A Yes, sir.  
 Q How long had you been married when your oldest child was born?  
 A I couldn't go to work to tell you about that.  
 Q How long had you been back here when your oldest child was born?  
 A She was born in '87.  
 Q How long had she been back here when she was born? A Well, I say she was born in '87.  
 Q Who attended on you at the time of the birth of that child?  
 A The woman who attended on me is dead, Mandy Benton's mother.  
 Q Some of the old people living who remember when that child was born? A No, sir, none that I know of; there wasn't no colored folks in there hardly then.  
 Q You don't remember how long you had been back in the Cherokee Nation when that child was born? A Yes, sir.  
 Q How long? A She was born in '87.  
 Q I didn't ask you what year she was born in, I asked you how long you had been in the Cherokee Nation when that child was born?  
 A Well I tell you she was born the year after I came back here.  
 Q The next year after you got back? A Yes sir.  
 Q Was the child born in the spring, summer or fall? A Born in January.  
 Q And what time of the year was it you got here? A I got here in the fall of 1884.  
 Q In the fall before the January this child was born? A Yes, sir.

Golly Albert, being sworn and examined by Commissioner

Breckinridge, testified as follows:

- Q Give me your full name? A Golly Albert, is the way I always sign my name.  
 Q How old are you? A I am 81.  
 Q What is your post-office? A Melvin.  
 Q In what district do you live? A I live in Illinois District.  
 Q You want to give some testimony in the case of Robert Barnes do you, who has applied for enrollment? A Well, I can give some.  
 Q Well you are not here to apply for your own enrollment are you?  
 A No, sir, not now; not at present.  
 Q Are you the husband of Martha Albert? A Yes, sir.  
 (Comr: Her case is D-42.)  
 Q Do you know Robert Barnes? A Yes, sir.  
 Q How long have you known him? A I have been knowing him ever since he was born.  
 Q How long have you lived in the Cherokee Nation? A I have been raised and born here in the Cherokee Nation.  
 Q Were you a slave in old times? A Yes, sir.  
 Q To whom did you belong? A Old lady Bushyhead, Nancy.  
 Q Where were you during the war? A I was down on Red River.  
 Q In the Choctaw Nation? A Yes, sir.  
 Q Where did you live before that, on Nancy Bushyhead's place?  
 A Yes, sir.  
 Q In what district was that? A In Coingake District.  
 Q You married your wife, Martha, down there did you, on Red River?  
 A No, sir, I married her after I came back; I lived with her but I didn't marry her until after we came back to the Cherokee Nation.  
 Q How long after you came back to the Cherokee Nation was it before you and she married? A About three years I guess; I joined the church and they wouldn't let me live in the church until I married.  
 Q Did you and she have any children until after you were married?  
 A Yes, sir, she had two.  
 Q Two before you were married? A Yes, sir.  
 Q That is, before you were married the way the church made you marry? A Yes, sir.  
 Q You knew your wife's sister, Jennie? A Yes, sir.  
 Q She was married to Sam Barnes, was she? A Yes, sir.  
 Q Did you come back with your wife after the war when she came from the Choctaw Nation? A I came a little ahead of her; a few days.

Q Just a few days? A Yes, sir, she come with her father.

Q Did her sister Jennie come with her? A Yes, sir.

Q She and your wife came together? A Yes, sir.

Q Her sister Jennie was the mother of this Robert Barnes? A Yes, sir.

Q What were you doing down there in the Choctaw Nation, farming?

A Yes, sir, worked on the farms a little.

Q Well were you working on a farm all the time, weren't you? A Well sometimes Inwas driving a team.

Q Did you make a crop of cotton? A No, sir, corn crop.

Q Where did you locate when you came back from the Choctaw Nation?

A Near Cherokee Station there on Caleb Starr's place.

Q What time of the year was it you got back there? A It was along in August sometime in August, I disremember just what day in August it was, but we got back there in August.

Q You think that was in what year? A 1864.

Q That fixes that on your mind? A Well, I kept count of how long the war run on; I knowed what year the war come in on.

Q How long had the war been closed when you came back? A I come back next spring after the war closed.

Q You fixed it on your mind that way? A Yes, sir, that's the way it was.

Q You know this woman Jennie Barnes, mother of Robert Barnes, when did she belong to before the war? A I don't know who she belonged to; I know who they always said she belonged to; she belonged to same man my wife did.

Q What was his name? A Johnson Whitmore; I never got personally acquainted with them until I got down there on Red River.

Q Was Jennie Barnes older or younger than your wife? A She was youngest, her mother and father said.

Q Was she married there in the Choctaw Nation? A No, sir, I don't think she was until we come back to the Cherokee Nation I think.

Q Married after she got back? A Yes, sir; as well as I recollect that's what they told me; I wasn't there when they married.

Q But you were seeing them all the time weren't you? A Yes, sir.

Q Did you see her very soon after she was said to have been married? A She staid staid there with me a while on the Caleb Starr place.

Q Where were you when she married? A I was on the Caleb Starr place.

Q Where was she when she married? A She was over in Ft. Smith, I think, hired out.

Q And there is where she married Sam Barnes? A Yes, sir, I think so.

Q How long was that after you had got back from the Choctaw Nation? A It was about one year I think, not quite a year; it was about six months.

Q She staid with you a while on the Starr place and then hired to do some work over at Ft. Smith and there married? A Yes, sir.

Q And where did she live after that? A Lived up on Lee's Creek there close by me.

Q How long did she stay at Ft. Smith? A I don't know exactly; not very long though; I don't recollect now just how long it was.

Q How long had she been married before you saw her; how long was it after she married that you saw her? A It was about two or three months I guess.

Q You saw her two or three months after she was married? A Yes, sir.

Q Where did you see her? A ~~xxxxxxx~~ She come over to my house there on a visit; on the Caleb Starr place.

Q What Creek was that you say she lived on at one time? A Lee's Creek.

Q How long had she been married when she began living on Lee's Creek?

Q She has been married as well as I can recollect, then about four or five years.

Q And she had quite work in Ft. Smith then had she, and gone to live on Lee's Creek? A Yes, sir.

Q Was her husband doing all that time? A Why he was farming he went to farming after he come over into the Cherokee Nation.

Q But during that four or five years before he lived on Lee's Creek, you don't know what he was doing do you? A Yes, sir, he moved over there and was hired out.

Q Moved over where? A The other side of Ft. Smith in the coal bank.

Q He worked there until he moved up on Lee's Creek? A Yes, sir.

Q Now Sam Barnes, her husband, he makes no claim for himself as a Cherokee Freedman? A No, sir, none as I ever known of.

Q He was working for wages up there about the coal bank I suppose?

A Yes, sir.

Q And after working there four or five years he then moved up on Lee's Creek and went to farming? A Yes, sir, he was living over here when he was working in the bank; he has moved before he went to work over there.

Q What was his wife doing all that time when he was working at the coal bank? A She was working like in the field there with me and my folks; they lived about three or four hundred yards from me.

Q You said just now she had come from over there up to Lee's Creek? A She did after they were married.

Q You said she came up there four or five years after they were married, and now you say she had come before that and lived with you; which one of these can I rely on? A I said about five years he lived over here and went back to work the other side of Ft. Smith about five years after he was married.

Q He went back there about five years after he was married, to work? A Yes, sir.

Q Well then how long did he live over there after that? A After he had moved over there?

Q Yes. A I don't know sir how long he worked; I couldn't tell exactly.

Q You now tell me that after he married he came over here and worked four or five years and then went back to Arkansas and worked on a coal bank? A Yes, sir.

Q That's what you tell me now is it? A Yes, sir.

Q Well then how long did he work on a coal bank? A I couldn't tell you exactly how long he worked.

Q You told me a while ago he worked four or five years on a coal bank? A No, sir, I don't think I did; if I did I made a mistake.

Q How much was it you said, more or less? A It was less than that.

Q Whose coal bank was it? A It was called Jenny Lynn, over there about Huntington.

Q The town of Jenny Lynn? A Yes, sir.

Q How long did he work over there about that coal bank off and on?

A As well as I can recollect it was about a year.

Q Not four or five years? A No, sir.

Q Did he take his family along with him? A No, sir, his family was over here living right by me.

Examination by Cherokee Representative, W. W. Hastings:

Q Who was living on the Gale Starr place at the time you were, immediately after you came back with your wife from the Choctaw Nation? A Ellis Harlin.

Q Did Ellis Harlin have some children living there? A He had two daughters.

Q What was their names? A Rutha and Emma.

Q They were living on the place at that time? A Yes, sir.

Q Did he have any boys? A Yes, sir, had one named Oco.

Q What was the other one's name? A I forgot the other's name; he didn't come around there none, the other one didn't.

Q They were living there at that time? A Yes, sir.

Q They were single and unmarried and living there on the place at the time with their father? A Yes, sir.

Q All of these children that you have mentioned? A Yes, sir, all



but Ooe: I don't know whether he was married or not; he just come in and out: I don't know what he want: the girls though were single.

\* \* \* \* \*

H. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, H. D. Green.

Subscribed and sworn to before me this April 19, 1901.

Signed, C. R. Breckinridge,  
Commissioner.

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Department of the Interior,  
Commission to the Five Civilized Tribes,  
Fort Gibson, I.T., April 18th, 1901.

In the matter of the application of John Barnes, for the enrollment of himself and one child as Cherokee Freedmen; he being sworn by Commissioner C. R. Breckinridge, testified as follows:

\* \* \* \* \*

Martha Albert, called and sworn by Commissioner Breckinridge as a witness testified as follows:

Q What is your name? A Martha Albert.

Q How old are you? A 57 or '8 years old.

Q What is your post office? A Melvin.

Q You claim to have lived in the Cherokee Nation all your life?

A Yes, sir.

Note: (By Commissioner) Her case is Cherokee Freedman Doubtful Card No. 42.

Q Are you the mother of this applicant? A No sir, I am his aunt.

Q He is the son of your sister Jenny Barnes? A Yes sir.

Q She has been dead about ten years? A Yes sir.

Q Is this applicant a full brother of Robert Barnes? A Yes, sir.

Q He is married? A Yes, sir.

Q What is his wife's name? A Ruthie.

Q When were they married? A About three years ago.

Q Was he ever married before? A No, sir.

Q They have been living together as husband and wife ever since then, have they? A Yes, sir.

\* \* \* \* \*

Chas. von Weise, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above case and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Signed, Chas. von Weise

Subscribed and sworn to before me this the 18th of April, 1901, at Fort Gibson, I.T.

Signed, C. R. Breckinridge,  
Commissioner.

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Whereas the undersigned, in the exercise of the power  
vested in them, have been duly sworn, and that the following is a  
true and correct copy of the original of the same, as the same  
has been examined and found correct by the undersigned, and  
John Barker, for publication of the same.

Given to and subscribed before us this 10th day of April, 1901.



Commissioner

2

32151

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

MAY 14 1901

  
ACTING CHAIRMAN

COMMISSIONERS:  
HENRY L. DAWES,  
TAMS MIXBY,  
THOMAS B. NEEDLES,  
C. R. BRACKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Received of the Commission to the Five Civilized one copy of the original testimony of April 23rd, 1901 in the matter of the application of Sarah Brown et al for enrollment as Freedmen of the Cherokee Nation; also one copy of the testimony from the case of Robert Barnes which was made a part of the record in the case of Sarah Brown et al.

Vinita, Ind. Ter.,

May 13th, 1901.

Cherokee F-#D151.

A. S. McRae

Attorney for Applicants.

I hereby accept service of the within notice to take testimony on this  
the 18th day of May 1901.

*A. S. McRea*

Attorney for the within named applicant.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE NINE CIVILIZED TRIBES.  
FILED  
MAY 15 1901  
AT WASH DC

218  
7.20.1901

I hereby accept service of the within notice to take testimony on this  
the 15th day of May 1901.

A. S. McRae

Attorney for the within named applicant.

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DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE RED CIVILIZED TRIBES.  
PICT D  
MAY 15 1901  
RECEIVED  
BUREAU OF INDIAN AFFAIRS  
WASHINGTON, D. C.

ATTEST

18

4. 10. 1901



# NOTICE!

In the matter of the application of Sarah Brown et al for enrollment as a Cherokee Freedman.

Case No. D 151

To Sarah Brown or A. S. McKee her Attorney.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita

Indian Territory, on the following dates, to-wit:

May 21st and 22nd

A. D. 1901, during the usual business hours of said commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands on this 15th day of MAY 1901.

*L. B. Bell*  
*W. W. Hastings*  
*J. L. Davenport*

Attorneys for the Cherokee Nation.

United States of America,  
Indian Territory,  
Northern District.

I do solemnly swear that I delivered a true copy of the within notice to \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ A. D. 1901.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 1901.  
\_\_\_\_\_  
Notary Public.

Q

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121

COMMISSION TO THE FIVE CIVILIZED TRIBES  
DEPARTMENT OF THE INTERIOR  
AUG 25 1881  
K. I. E. D.

Q How old are you, Henry? A I am something over 60 years old.  
about 54 as near as I can get at it.

RE-DIRECT EXAMINATION BY A. S. MORRIS:

Q Did Johnson Whitire own a slave by the name of Charles Whitire?  
or Charles Solent? A If he did I didn't know, he may, I gave him  
of Charles Solent, but I don't know who he is.  
Q Well, did he own a slave, family slave, by the name of Henry?  
A Not as I know of, sir.  
Q Now, as I understand you to say, Mr. Still, you didn't know  
the slaves of Johnson Whitire? A Yes, sir, I was acquainted with  
them, they was kin to me.  
Q You were kin to all them? A Yes, sir, kin by blood and  
them.

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A. S. MORRIS, being first duly sworn, states that as stenographer  
to the Commission to the Five Civilized Tribes, he correctly  
recorded the testimony and proceedings in this case, and that the  
foregoing is a true and complete transcript of his stenographic  
notes thereof.

Subscribed and sworn to before me this August 21st, 1881.

*[Signature]*

To be filed with case of Sarah Brown, et al., C. F. D. #151.

SUPPLEMENTAL TESTIMONY.

7.-3.-82.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
VINITA, I.T., MAY 21st, 1891.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of MARTHA ALBERT, et al., as Cherokee Freedmen.

RUTH HUNT, being sworn and examined by Commissioner T. B. Needles, testified as follows:

APPRAISERS:

A. S. McRea, Attorney for Applicants;  
W. W. Hastings, Cherokee Representative.

- Q What is your name? A Ruth Hunt.  
Q How old are you? A 54.  
Q What is your post office address? A Vinita.  
By W. W. Hastings: Mrs. Hunt, what was your maiden name?  
A Harlin.  
Q What was your father's name? A Ellis Harlin.  
Q What was your mother's name? A Nancy Harlin.  
Q Where did you go during the war of the Rebellion?  
A Fort Smith, Arkansas.  
Q After the war did you return to the Cherokee Nation? A Yes, sir.  
Q When did you return to the Cherokee Nation? A 1867.  
Q What time of the year? A It was either February or March, I don't remember which.  
Q But '67? A Yes, sir.  
Q Did any colored people return with you to the Cherokee Nation when you came back? A No, sir.  
Q Did you return with your father? A Yes, sir.  
Q To what point did you return? A About four miles this side of Fort Smith, on the line of Arkansas, about a quarter of a mile from the line, Arkansas line.  
Q Did you know a colored woman by the name of Martha Albert who is the wife of Colly Albert? A There was a man worked for us we always called him Albert, I don't know what his other name was, his wife was named Martha; he worked for us that summer we came back.  
Q The summer of '67? A Yes, sir.  
Q Did they return with you? A No, sir.  
Q Were they ever there on the place when you returned? A No, sir.  
Q Do you know where they came from? A No, sir, I don't but he went over in Arkansas somewhere and hired the man to come and work, but I don't remember where he got him. He had a man at work for me and the man quit and he went away somewhere and got this man, he got him in Arkansas somewhere, towards San Juan, but I don't know.  
Q You brought no colored people back with you? A No, sir.  
Q Did these people claim at that time to be Cherokee Freedmen?  
A I never heard of; if they did I don't remember anything about them claiming.  
Q Do you know what became of them after they left your place?  
A No, sir, I never seen or heard tell of them until they was taking the roll at Vinita here before.  
Q In 1867? A Yes, sir, that is the only time I have ever heard of them since.  
Q Are you a Cherokee citizen by blood? A Yes, sir.  
Q You reside at Vinita? A Yes, sir.

CROSS EXAMINATION BY A. S. McREA:

Q Mrs. Hunt, did you know the applicant, Mattie Albert, before the war? A No, sir.

Q Do you know her at all? A I don't know her only just as far back as 1867; I remember there was a man worked for us by the name of Albert, we called the woman Martha and the man Albert, they worked for us here during the summer of 1867; that is all I know about it.

Q You don't know whether she is the one who belonged to Johnson Whitmire before the war or not? A No, sir, I don't know; I never heard her say that she belonged in the Nation before the war.

Q Did you know the Whitmires? A Yes, sir.

Q Did you know any of their slaves? A I can't remember them, I know them but I can't remember them.

Q Now, this man Albert that worked for your father, you don't know his given name? A No, sir, we just called him Albert, and I don't remember what his other name was.

Q You don't know whether Albert was a given or surname? A No, sir; I don't know which it was.

Q Would you know the same persons if you would see them again?

A I don't think I would, it has been so long.

RE-DIRECT EXAMINATION by Mr. Hastings:

Q How far did you live from Johnson Whitmire before the war?

A About ten or 12 miles. I knew the family and I guess knew the slaves, I don't remember them now.

Q I believe you said you were 54, that would make you be born in 1847; you would be about 13 years old when the war come up?

A Yes, sir.

Q I was going to ask you if you lived in ten or twelve miles of Johnson Whitmire and if this woman had belonged to him before the war, it is quite likely you would have known that in 1867?

A It seems that she would have known people that I did and would have said something about it. I went to school with Whitmire's children and have been at Ben Whitmire's house and I guess would remember some of the names if I heard them recalled, but I can't remember them now.

Q You didn't recognize this woman? A No, sir, I would not recognize her now.

Q You didn't recognize her then as belonging to Johnson Whitmire?

A No, sir.

Q Never heard her remark about it? A No, sir.

EMMA PINLEY, being duly sworn by Commissioner T. B. Needles, testified as follows:

DIRECT EXAMINATION BY MR. HASTINGS:

Q What is your name? A Emma Pinley.

Q What is your age, Mrs. Pinley? A 51.

Q What is your post office address? A Tahlequah.

Q Are you a Cherokee by blood? A Yes, sir.

Q Recognized citizen of the Cherokee Nation? A Yes, sir.

Q Mrs. Pinley, what was your maiden name? A Emma Harlin.

Q You are a sister of Mrs. Hunt who has just testified?

A Yes, sir.

Q What was your father's name? A Ellis Harlin.

Q What was your mother's name? A Nancy Harlin.

Q Did you come back with your father after the war to the Cherokee Nation? A Yes, sir.

Q When did your father die? A '67.

Q Where did he die? A Down in Sequoyah district, near Fort Smith.

- Q To what point in the Cherokee Nation did you return after the war? A Down on the line close to Fort Smith.
- Q About how far from Fort Smith? A Four miles.
- Q I ask you if any colored people returned with you? A No, sir.
- Q What time did you return to the Cherokee Nation? A In '67.
- Q What time in '67? A I am not positive what month it was, it was either February or first of March, I think.
- Q Did any colored people return with you? A No, sir, there was not.
- Q Do you remember a colored woman by the name of Albert, Martha Albert? A Why, yes, I remember her, she didn't come back with us.
- Q She didn't come back with you? A No, sir.
- Q When do you first remember of having seen her? A I think it was the last of March or first of April, I am not positive which, but it was along about that time.
- Q It was after you returned to the Cherokee Nation after the war? A Yes, sir, after we came back in '67.
- Q Do you know where she came from? A In the State some place.
- Q She worked for you that season, or part of the time? A Part of the time.
- Q She didn't come back with your or your father? A No, sir.
- Q Do you know whether she claimed at that time that she was a Cherokee slave? A No, sir, she didn't; if she did I never heard her. Never claimed at all.
- Q Mrs. Finley, did you know Johnson Whitmire before the war? A No, sir, I had heard of him but I was not acquainted with him.
- Q You were young? A Yes, sir.

CROSS EXAMINATION BY A. S. MORRIS:

- Q Mrs. Finley, where did you all go to before the war, did you leave the Nation? A Before.
- Q Yes? A No, I left the Nation after the war began.
- Q Left during the war? A Yes.
- Q Where did you go to? A Fort Smith.
- Q Did you know Martha Albert at that time? A When I left the Nation?
- Q Yes? A No.
- Q Where was the first time you ever seen Martha Albert? A In '67.
- Q Where at? A In Sequoyah district.
- Q At what time of the year was it? A It was in the last of March or first of April, I am not sure which.
- Q In 1867? A Yes, in '67.
- Q Do you know whether she had ever lived in the Nation? A No, I don't.
- Q Did her husband work for you all? A Yes, in '67.
- Q What was his name? A Colly, that is all the name I ever heard.
- Q Just knew him as Colly? A Yes, that is all we called him.
- Q Do you know whether or not they were slaves? A No, I don't know.
- Q And you saw they came here from the State of Arkansas to work for your father in 1867? A Yes.
- Q You don't know whether or not of your own knowledge they had been in the Territory prior to that or not? A No, I only know that he went over in the State and got them.
- Q What were they doing in the State? A I don't know.
- Q Don't know whether they were living there or not?
- A I suppose they were living there; went there and got them.
- Q Isn't it possible that they could have been over there at work?
- A It is possible, it is not impossible, of course, they had every thing they had over there.
- Q Remained there permanently in the State? A I don't know.



- Q Had all their possession in the State of Arkansas? A Yes.  
Q Did they move those possession over to your father's place when they come there? A Yes.  
Q What possessions did they have? A They didn't have much, just what they had in the house and one horse.  
Q You don't know whether they left the territory or not?  
A No.  
Q And you don't know whether they come back in 1868 or not? A No.  
Q And the first you knew about them was when they worked on your father's place in 1867? A Yes.

HARRY STILL, called as a witness on the part of Applicants being sworn and examined by Commissioner I. J. Needles, testified as follows:

- Q What is your name? A Harry Still.  
Q What is your post office? A Haydon.  
Q What is your age? A Well, sir, I don't know exactly, something over 50.  
Q You are a recognized citizen of the Cherokee Nation? A Yes, sir.  
Q Freedman? A Yes, sir.  
Q Is your name on the roll of 1880? A No, sir.  
Q You are a contested citizen? A No, sir.

DIRECT EXAMINATION BY A. S. MORRA:

- Q Mr. Still, you are called on to give some evidence in the case of Martha Albert; are you acquainted with Martha Albert? A No, sir, I am not.  
Q Did you know Johnson Whitmire? A Yes, sir, I knew Johnson Whitmire.  
Q Did you know any of his slaves? A Yes, sir, I knowed his slaves, I knowed 'em all, he was a brother of my Master.  
Q Did you know this woman Martha? A Martha Whitmire? I didn't know any Martha Whitmire.  
Q Did you know Colly Albert? A I know Colly Albert when I see him.  
Q Did you know him before the war? A No, sir, I didn't.  
Q Did I understand you to first say that you know Martha Albert, or that you did not know her? A I do not know her; I knew Johnson Whitmire's slaves, but I did not know her.  
Q Do you know Eliza McGrady? A No, sir.

CROSS EXAMINATION BY MR. RASTINGS:

- Q Where did you live before the war? A Lived on Darton York at George Whitmire's place.  
Q What kin was George Whitmire to Johnson? A Brother.  
Q How far did they live apart? A It must have been four or five miles.  
Q Are you well acquainted with Johnson Whitmire? A Yes, sir.  
Q Are you well acquainted with Johnson Whitmire's slaves?  
A Yes, sir.  
Q Did you know him to have a slave by the name of Martha?  
A No, sir, I didn't know one by that name.  
Q Didn't know one by that name? A No, sir.  
Q You lived there in four or five miles? A Yes, sir.  
Q If he had one you would have known it? A Johnson had a good many colored people; I know most of them, I knew all of them, all he raised.  
Q This woman claims now to be about 54 or 55 years of age, which would have made her 15 or 16 years old when the war come up; you didn't know any Martha Whitmire that was something of that age that belonged to Johnson Whitmire? A No, sir.

COMMISSION TO THE FIVE CIVILIZED TRIBES  
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Q How old are you, Harry? A I am something over 50 years old,  
about 54 as near as I can get at it.

RE-DIRECT EXAMINATION BY A. S. MORRIS:

Q Did Johnson Whitmire own a slave by the name of Charles Whitmire,  
or Charles Helen? A If he did I didn't know, he may, I have heard  
of Charles Helen, but I don't know who he is.

Q Well, did he own a slave, family slave, by the name of Nancy?  
A Not as I know of, sir.

Q Now, as I understand you to say, Mr. Still, you didn't know all  
the slaves of Johnson Whitmire? A Yes, sir; I was acquainted with  
them, they was kin to me.

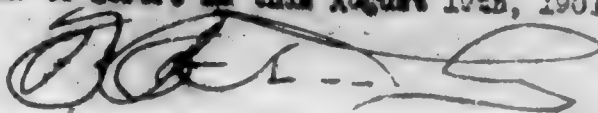
Q You were kin to all them? A Yes, sir, kin by blood and I know  
them.

---ooo000ooo---

J. O. Rosen, being first duly sworn, states that as stenog-  
rapher to the Commission to the Five Civilized Tribes, he correctly  
recorded the testimony and proceedings in this case, and that the  
 foregoing is a true and complete transcript of his stenographic  
 notes thereof.

J. O. Rosen

Subscribed and sworn to before me this August 19th, 1901.



Commissioner.

File with Cherokee Freedman, D- 151, Sarah Brown.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Fort Gibson, T.T., September 4, 1901.

In the matter of the application of Martha Albert et al. for  
enrollment as Cherokee Freedman.

Testimony on behalf of Cherokee Nation.

Appearances:

A. S. Moberg, attorney for applicants;  
W. W. Hastings, of counsel for Cherokee Nation.

WATT WHITMIRE, being duly sworn by Commissioner Needles,  
testified as follows:

Mr. Hastings: What is your name? A Watt Whitmire.

Q What is your postoffice? A Westville.

Q How old are you? A 48.

Q What is your father's name? A Johnson Whitmire.

Q What was your mother's name? A Charlotte Whitmire.

Q In what district did your father live before the war?

A Going Snake.

Q Was there any other Johnson Whitmire in Going Snake at that  
time, that was grown, an old man with a family? A No, sir, not as  
I know of; there was a Johnson, a son; he is younger than I am.

Q Well, he was born about the time or after the war came up, or  
when? about how old is he? A He is some thirty odd, some 37 or 8.

Q Did your father own some slaves when the war broke out? A Yes,  
sir.

Q Do you know whether or not your father or your mother owned a  
slave by the name of Martha when the war broke out? A No, sir, not  
as I know of; none by that name.

Q Did your father or mother own a slave by the name of Nancy, a  
woman? A No, sir, not as I know of.

Q This Martha, according to her statement, would be some 14 or  
15 years of age at that time? A No, sir, I don't recollect nary  
one by that name.

Q You are Johnson Whitmire's son? A Yes, sir.

Q You were living at home at the time the war broke out? A Yes, sir.

By A. S. Moberg: Mr. Whitmire, how many slaves did your father own?

A I don't know the exact number.

Q Were you acquainted with the names of all the slaves of your  
father? A Why I believe I recollect the oldest, I don't know that I  
recollect the smallest children's names, of all.

Q About what was approximately the number of old slaves? A Well,  
I will have to count them up.

Q Well, give an approximate statement? A About 12 or 14 or some-  
where along there; I don't know just exactly.

Q Did he own a slave by the name of Nancy? A Not as I recollect  
of; I don't recollect any such name.

Q About how old were you at the breaking out of the war? A I was  
born in '52; I believe the war broke out in '62, wasn't it; about '61.

Q You were about 9 years old? A 9 or 10 years, somewhere along  
there.

Q Now couldn't he have possibly owned this female girl and you  
not have any recollection of it? A I recollect all the names from  
my size up, but I don't recollect of any such name of Martha. There  
wasn't but two girls, and one was named Mary and one Fannie.

Q They were the only two female colored girls of the age of 12  
or 14 years old? A Well, they were younger than that; Fannie was  
younger than that and Mary was I reckon maybe one or two years older

than me; I don't know exactly, but I just judge from her size.

Q Well now, do I understand you to say this number of fourteen or fifteen adults, or older slaves, did they have any children? A Oh yes, that included men and women together.

Q Included men and women together? A Yes, sir.

Q Did they have any children? A Yes, sir.

Q Do you remember the names of them all? A Well not of all, I remember the names of some of them.

Q About how many children did each family have? A Well, there was one woman by the name of Fronie had one child named Susie, and there was an old lady named Sukie had two or three, and I don't recollect the names of but one boy, his name was Joe, and this girl Nannie I spoke of was the child of old Aunt Sukie; and there was one by the name of Rachel, I don't recollect just how many children she had, but one or two or three, somewhere along there; they were quite small when the war broke out.

Q That is all the children? A No, sir, I don't recollect just how many children there were in the whole family of the darkies, but there was Rachel's children, and Aunt Sukie's children, and Fronie's child, one child, I believe is all I recollect of.

Q Well, where did your father's slaves go during the war? A Well I can't tell you exactly; my understanding is they went north.

Q That they all went north? A Yes, sir, part of the men folks left here before I left the old place, and when I left there I left part of the women folks at home, at the old home place.

Q Leave any of the children? A Yes, sir.

Q Have you any recollection what became of them? A No, sir.

Q Did you ever see any of them any more? A No, sir, never saw any more of them any more at all.

Q Did you go away yourself? A Yes, sir, taken away.

Q Where did you go? A Went from there to Cane Hill, Arkansas.

Q When did you return? A After peace was made; went on from Cane Hill south.

Q Have you any acquaintance with this alleged party to this suit, Martha Albert; are you acquainted with her? A No, sir.

Q Don't know her? A Don't know her at all.

Q How long have you lived in the Cherokee Nation now since your return from Cane Hill; was that the place you went to? A Went from the Nation to Cane Hill and from Cane Hill went south in the Choctaw Nation.

Q Then when did you return from the Choctaw Nation to the Cherokee Nation? A Returned in '67.

Q To what point? A Back at the old home place in Going Snake district.

Q You have lived here continuously ever since? A Yes, sir.

Q Were you extensively acquainted with the colored people in and around, or rather in Going Snake district? A Yes, sir.

Mr. Hastings: Now as I understand you, Mr. Whitmire, you stated that you remember all of the slaves that were of your age and older, but those that you don't remember were those that were younger or smaller? A Yes, sir; I remember some that were younger than I was, them that I called a ~~young~~ while ago.

Q You are positive your parents didn't own a slave by the name of Nancy? A No, sir, none that I know of, there wasn't any Nancy on the place, and I believe I can call the names of all the women.

Q Are you positive your parents didn't own a girl older than yourself named Martha? A No, sir, wasn't any on the place named Martha.



J. W. ALBERTY, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A J. W. Alberty.

Q Mr. Alberty, what is your age? A Well, I am 67 years old.

Q What is your postoffice? A My postoffice is Westville, Indian Territory.

Q What district do you live in? A I live in Going Snake district.

Q You a Cherokee by blood? A Yes, sir.

Q Mr. Alberty, where did you live in the Cherokee Nation before the war? A In Going Snake district.

Q Near where you now live? A Yes, sir.

Q Did you know Johnson Whitmire? A Yes, sir.

Q Did you know him before the war? A Yes, sir.

Q How far did you live from him? A Well, it was about ten or twelve miles, I reckon we called it.

Q Did you know his family? A Well, yes I knew his family.

Q This witness here before, named Watt Whitmire, was he a son of Johnson Whitmire? A Yes, sir.

Q I will ask you if you were acquainted with a colored man by the name of Charles Boland before the war? A Yes, sir, he was a mixed blood, free.

Q I will ask you if you knew a colored woman by the name of Nancy Whitmire, alleged to have belonged to Johnson Whitmire before the war? A Yes, sir, I knew her.

Q Now, if you know what became of Nancy Whitmire and Charles Boland I wish you would make a statement to the commission? A The Whitmire boys sold Nancy to a man named Dillingham, and he moved right across the line from where I lived, five or six miles, and owned them there until he moved off to Texas, Charles Boland and Nancy; I knew them better after Dillingham got them than I did before.

Q Who sold them to Dillingham? A The Whitmire boys, George Whitmore and Johnson Whitmire; they were brothers and they sold them at the time they divided up the property.

Q Now about how long before the war was that they sold them, about what year? A I reckon it must have been in '47 or '8, I haven't got the dates, I wasn't expecting anything of this kind, and I didn't get the dates, but it must have been in '47 or '8.

Q What was Dillingham's citizenship? A He had none.

Q Was he a white man or Cherokee or what? A He was a white man and lived in the state.

Q What state? A Arkansas.

Q Lived across the line in the State of Arkansas? A Across the line, yes, sir, in the State of Arkansas.

Q Do you know what finally became of him out there? A Mr. Dillingham, in about '50 or '51 moved to Texas and carried the family, and Boland went with them, he was free but he followed this family off to Texas.

Q Do you know whether he had Nancy for a wife or not? A Yes, Boland had this Nancy for a wife, and claimed the family, and when Dillingham carried the family off he went with them.

Q How far did this man by the name of Dillingham live from you? A About five or six miles.

Q Now how far did you live from the Cherokee line up there? A Well about that time I only lived about half a mile, right at it.

Q On the west side of the Cherokee and Arkansas line? A On the west side of the Cherokee line.

Q And Dillingham lived on the Arkansas side? A On the Arkansas side, just over near what is called Dutch Town or so on.

Q He laid no claim to Cherokee citizenship? A No, sir, not a bit; he had a son that was adopted, but the old man had none.

Q And I believe you stated that along about '80 Dillingham carried these people to Texas? A He carried them to Texas.

By A. S. Moore: I understand you to say Johnson Whitmire sold Nancy? A Yes, sir.



Q Nancy Sheppard then did belong to Johnson Whitwire? A Yes, sir, she did belong to Johnson Whitwire; there were two brothers of the children, George and Johnson Whitwire, and they owned an interest in them and they both sold their interests.

Q About what year was that? A Well sir, I can't positively say, but it was in or about '47 or '48; I have nothing to guide me by.

Q Do you know Martha, the child of Nancy? A No, sir, they were all small when they went off, I don't know any but a boy they called Ellis; Dillingham brought him back with him just a little while before the war came up.

Q Did Nancy have children when Johnson sold her? A Yes, sir.

Q Did he sell the children with her? A Yes, sir.

Q Nancy's whole family was sold? A The whole family went, yes sir.

By A. S. McRea: Mr. Alberty, where do you live? A I live in the eastern part of the Cherokee Nation here.

Q And you say Johnson Whitwire sold Nancy, the alleged mother of the applicant, Martha Albert, in 1847? A I didn't say the time he sold her, because I don't know that, he sold Nancy, Charles Boland's wife to Dillingham, and the children, but I don't know nothing about Martha at all, I didn't say the mother of her, but if she is the daughter of Nancy, why she -

Commissioner: Was sold with the balance, was she? A Yes, sir, sold with the balance; the whole family was sold.

A. S. McRea: To whom did you say they were sold? A Dillingham.

Q Where did he live? A He lived in Texas.

Q Do you know of your own knowledge that this woman, Nancy, went to Texas? A Yes.

Q How do you know that? A I saw them start.

Q Did you see them arrive? A I didn't see them arrive in Texas, but I saw them start on the road.

Q Do you know whether or not, of your own knowledge that they arrived there? A No, sir, I can't say that, ~~because~~ but I guess from all the circumstances they did.

Q What fixes it on your mind so very definitely that they were sold in '47? A Well, just as I said before, I said I wasn't positive about that, but it was in or about that time.

Q For how much was she sold? A Well I can't exactly say now what they did bring, because they got some horses and some cattle and some money.

Q How many horses? A I can't answer that question.

Q How many cattle? A I don't know.

Q How much money? A Well, I don't know that that would amount to anything, because it was satisfactory to them.

Q You say they were sold and we want to know what was the status of the sale? A Well I don't know the amount that they got for them, I can't say.

Q Did you see any money exchanged? A No, sir, but after that they changed hands, the darkies went.

Q It is true, they could possibly have changed hands without any sale? A Well hardly then days.

Q Then in so many words, you don't know whether that was a bona fide sale or not or your own knowledge? A Well, of my own knowledge, I would have to say it was a bona fide sale, or else he wouldn't have taken them out of the Cherokee Nation.

(Foregoing answer read by stenographer at request of attorney for applicant.)

Witness: Yes, sir.

McRea: He said you would suppose it was a bona fide sale.

Commissioner: Was that your answer?

Witness: A Yes, sir.

Commissioner: How long after the sale was it before Mr. Dillingham taken them to Texas? A It must have been 2 or 3 years, they lived right there close neighbors to us two or three years after they

bought them.

Q With whom? A With Dillingham, in the State of Arkansas.

Q Then when the sale was made Dillingham at that time was living in Arkansas? A Yes, sir.

Q Is your first statement that he was living in Texas correct, at the time of the sale? A No, sir, I didn't make that, he was living in Arkansas and moved to Texas, I said, in about '50 or '51 and taken them with him in about '50 or '51.

McRea: I would like to examine the face of the record.

Commissioner: The record shows for himself. If the witness contradicts himself the record shows it. I think the witness did state when you asked him where Dillingham lived, that he lived in Texas, but you didn't specify the exact time when he lived, but the witness stated plainly now at the time Dillingham bought the slaves he lived in Arkansas and moved to Texas a few years after.

McRea: Did you ever see Nancy Whitmire any more? A Well, I never saw her after he moved off to Texas with her.

Q Are you acquainted with Martha Albert, the applicant in this behalf? A No, sir.

Commissioner: You don't know Martha at all then? A No, sir; well there were several children, but I don't recollect their names; there were several children then only they were small.

Q You have never seen the avarred mother of Martha, Nancy, after Dillingham took her to Texas? A No, sir.

McRea: And you don't know whether or not this woman, Martha, was one of the number of these children that accompanied the mother, Nancy, to Texas or not? A No, sir, I don't.

Commissioner: Did Nancy have children to your recollection?

A Yes, sir.

Q You don't recollect how many? A Well, no I don't, there was three or four, four children, there might have been more and might have been less.

Q Know whether they were boys or girls? A There was one boy.

Mr. Hastings: I believe you states that these children that she had went with her? A Yes, they all went with her.

McRea: About what was the age of these children? A Well, they were small, they were not very large.

Q 3, 4, 5, 6 small or 10 years, something like that? A Well, he must have been 6 or 7 or 8 years old maybe 10, I can't state that.

Q Was that a girl or a boy? A I think the oldest one was a girl.

Commissioner: This testimony will be made part of the testimony in the cases, D-99, D-100, D-101, D-102, D-103, D-104, D-105, D-114, D-150, D-151, D-152, D-146, D-182. Attorney McRea for applicant objects to testimony being filed in the case of Robert Barnes et al., and the objection is overruled.

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Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and correct transcript from his stenographic notes thereof.

*Bruce G. Jones*

Sworn to and subscribed before me this 5th of September, 1901.

*W. H. Jones*  
Commissioner.

File with Cherokee Freedman D-151, Sarah Brown.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Fort Gibson, I.T., September 11, 1901.

In the matter of the application of Martha Albert et al. for enrollment as Cherokee Freedmen.

Supplementary evidence introduced on behalf of applicants.

Appearances:

A. S. McKee, attorney for applicants;  
W. W. Hastings, of counsel for Cherokee Nation.

The Commission: Now Mr. McKee, state briefly what you desire to prove by this witness.

A. S. McKee: Applicant desires to offer testimony in behalf of herself et al., by Sam Barnes, showing that neither of applicants did return to the Cherokee Nation within the time of the treaty stipulations, and that so far as the sale of she and her mother to one Billingham, it is untrue.

The Commission: When you speak of the applicant, I suppose you mean Martha Albert?

McKee: Yes, Martha Albert and others.

Mr. Hastings: The Cherokee Nation objects to the applicant being allowed to introduce any testimony in this case on the question of the return of any of the applicants, for the reason that applicants introduced their testimony on both ownership and return, and the Cherokee Nation introduced testimony on both, and the only testimony which can legally be introduced by the applicant now as testimony in rebuttal of new matter brought out by the Cherokee Nation in its testimony.

The Commission: The objection of the Cherokee Nation will be noted.

S. B. BARNES, appearing before the Commission and being duly sworn and examined, testified as follows:

A. S. McKee: Give us your name, Mr. Barnes? A. S. B. Barnes.

Q Your age? A About 57, going on 58.

Q Post-office address? A Benga.

Q Mr. Barnes, are you acquainted with the applicant, Martha Albert? A Yes, sir.

Q How long have you known her? A I have known her going on 37 years.

Q Do you know whether or not she was a slave in the Cherokee Nation before the war of the rebellion?

Mr. Hastings: I object to that, both because the very testimony itself shows that he didn't know that; said he hadn't known her but 37 years.

Commission: Ask him the question.

Q Where was she when you first knew her? A She was down here, right close to Cherokee.

Q Where is that? A That is down right on the line, at the Cherokee Junction.

Q Was that in the Cherokee Nation? A Yes, sir.

Q Did you know her mother? A Yes, sir.

Q What was her mother's name? A Nancy.

Q How long had you known the mother? A I got acquainted with her in '55.

Q Where was she when you first met her? A I met her down there.

Q In the Cherokee Nation? A Yes, sir.

Q Do you know whether or not they went out of the Cherokee Nation

or not?

Mr. Hastings: He says he never met them till '64 and '65; you ought to know that he can't testify to that.

McRea: He might have heard; we have been taking hearsay testimony.

Commission: Answer the question.

A I don't know.

Q Did you ever hear of the mother of your wife, Sarah Barnes, having been sold to a man by the name of Dillingham?

Mr. Hastings: Objected to by the Cherokee Nation on the ground of hearsay.

Commission: Ask him if he knows.

Q Do you know? A No, sir, I don't know it.

Q Did your wife ever tell you they were sold.

McRea: What his wife told him is admissible.

Mr. Hastings: Objected to by the Cherokee Nation on the ground that it is clearly inadmissible, it being hearsay testimony, and a declaration in interest of the party.

Commission: Let him answer the question.

Q Did your wife ever tell you whether or not she and her mother were sold to Dillingham of Arkansas? A No sir, she never did.

Q I will ask you if you and your wife ever had any conversation pertaining to her citizenship?

Mr. Hastings: Objected to by the Cherokee Nation for the reason that it is clearly hearsay and inadmissible.

McRea: That is not hearsay testimony.

Commission: I will let him answer the question.

Mr. Davenport, Cherokee attorney: I will object on the ground that he can't testify for or against his wife, under the rules of law. I think I recollect that the Commission has served notice that it would follow the ordinary rules of evidence.

McRea: The Commission served notice that it would not confine itself to the different rulings and technicalities of law in trying testimony in this matter.

Commission: Go on with the examination, Mr. McRea.

(Question read to witness by stenographer.)

A Why of course, she met the John Chambers Court at Tahlequah.

Q Where did you marry your wife? A Marry her; we were engaged here in the Cherokee Nation but we were married at Fort Smith.

Q She was living in the Cherokee Nation when you courted her?

A Yes, sir.

Q Now when did you marry her? A I married her in November, '66.

Mr. Hastings: Where did you live before the war? A I lived in Texas.

Q What county? A Fannin County.

Q What was your owner's name? A Higginbotham.

Q What was his first name? A Thomas Higginbotham.

Q What was the nearest town to you? A Bonham.

Q Did you know Jerry Starr down there? A No, sir.

Q Did you see your wife down there? A No, sir.

Q You didn't? A No, sir.

Q Did you see Nancy Whitmire, or Nancy Boland, down there? A No, sir.

Q See Martha Albert? A No, sir.

Q How old are you? A I have turned 58 years old.

Q What is your father's name? A My father, Bob Farnon.

Q When did you leave Texas? A I left Texas directly after the war ended.

Q Well, did you make a crop down there the year the war ended?

A I wasn't big enough, I didn't make no crop.

Q Who were you living with? A I was living with my old mistress.

Q She wasn't a Cherokee? A No, sir.

Q Well, did you make a crop with your old mistress, or for her, that year? A Yes, sir.



McKee: I object to all that; it is irrelevant to the question at issue.

Commission: Answer the question.

Q You made a crop for her you said? A Yes, sir.

Q The year the war ended? A Yes, sir.

Q How then you stayed there then that year? A I left there just as the war was up.

Q I thought you said you made a crop there? A I did.

Q Then you laid that crop by, did you? A The war came to an end in the spring of '65 if I understand anything.

Q Well, how did you come to leave Texas and who did you go with?

A I come by myself.

Q Just alone? A Yes, sir.

Q Come alone? A No, sir.

Q How did you come? A I had a horse.

Q Well, where did you come to? A I come to Fort Smith.

Q You had never been to Fort Smith before? A No, sir.

Q You had never heard of Fort Smith in your life before? A Oh yes sir, I hadn't been dead I don't reckon, I was a man.

Q How far below Fort Smith did you live when you lived in Texas?

A From Fort Smith?

Q Yes? A You mean just out on the river?

Q In Texas? A It is about 200 miles.

McKee: I object to that, the question is misleading in its nature, and I object to it.

Commission: He has already answered the question.

Q You came direct to Fort Smith? A Yes, sir.

Q Who did you work for there? A I worked for Bill Belt; five miles out south of town.

Q How long did you work for him? A I worked there a couple of weeks, or about a week, or couple of weeks.

Q Then where did you go? A I crossed over here in the Cherokee Nation.

Q What induced you to leave down there and leave your folks and go to Fort Smith at that time? A Just because I had a notion to go to Fort Smith.

Q Then what induced you to leave Fort Smith after being there only two weeks and go over on the Nation side? A Just because I wanted to go.

Q You didn't know anybody over there, did you? A No sir.

Q You had never seen a soul? A Of course I had seen people.

Q You had never seen one of them over there at Fort Smith?

A Not from across the Cherokee Nation side, across the river; why I saw people down in Fort Smith out of the Cherokee Nation.

Q Who did you meet that lived on this side of the river, at Fort Smith? A I met Tom Stoneroad and Mrs. Franklin, I don't know how many people I didn't meet.

Q Whose place did you go to on this side of the river first? A I was at Mr. Stoneroad's place the first place I was at, right on the line.

Q How long did you stay there? A I didn't stay there but an hour or two.

Q Then where did you go? A I went back to town.

Q How long did you work there in town? A I don't know exactly how long.

Q A year? A I don't know exactly how long I worked in town.

Q 25 years? A I might not have worked there more than two hours, I don't know.

Q Don't know whether it was an hour or 25 years? A Yes, sir, I do know how long.

McKee: He has answered that he don't know.

Commission: Let him answer the question.

Q About how long? A I worked there two or three different times.



sometimes I would be in town a week and sometimes not but a day or two and sometimes two or three days.

Q Where were you making headquarters, or home? A I made headquarters sometimes out at Bill Belt's and after that I worked for Tom Stoneroad some right on the line of the Cherokee Nation.

Q How long did you say a while ago you had been married? A I said I married in November, '66.

Q How many years did you say that was? A I didn't say nothing about the years.

Q Who married you? A I was married by the clerk.

Q What was his name? A I don't know his name.

Q Clerk of what court? A Clerk of the court there, at Fort Smith.

Q On the Arkansas side? A Yes, sir.

Q You got a license over there, and he married you? A I think I got license.

Q Now what is your full name? A Sam Barnes is my full name.

Q What is your wife's name? A Her name was Jennie.

Q Jennie what? A Jennie Boland.

Q She is a sister to Martha Albert? A Yes, sir.

Q Younger than Martha? A Yes, sir.

Q Have you ever been married before? A Yes, sir, had been married twice before.

Q Where had you been married? A In Texas.

Q What was your first wife's name? A Anna.

Q She dead? A Yes, sir.

Q What was your second wife's name? A Name was Mandy.

Q What year was it they had that investigation, that Chambers Court you speak of? A That was in '78.

Q Was your wife admitted or rejected? A Must have been rejected by us having to be here.

Q Did you make a statement up there before that court? A Yes sir.

Q You never saw your wife before the war? A No sir.

McRea: Did you see the mother, Nancy Boland, of your wife and Martha Albert, here in 1866? A I seen her here, yes sir.

Q In the Cherokee Nation? A Yes, sir.

Q Is she living now? A Who is that?

Q The mother, Nancy Boland? A Oh no, she died in '66.

Q Where was she buried? A Buried on this side the river there somewhere.

Q In the Cherokee Nation? A Yes, sir.

Q Did you see the father, Charles Boland I believe was his name? A Yes, sir.

Q In '66 here in the Cherokee Nation? A Yes, sir.

Q Is he alive now? A No, sir, he is dead.

Q When did he die? A He died in '72.

Q Where was he buried? A He is buried on Lees Creek.

Q In the Cherokee Nation? A Yes, sir.

Mr. Hastings: On whose place is Nancy Boland, the mother of Martha Albert and also of your wife, buried; who owns that place now?

A She was buried at what was called the Jack Campbell graveyard, my wife.

Q This Nancy Boland, where is she buried? A She is buried I think at Mrs. Franklin's graveyard.

Q Do you know it? A That is where I was told she was buried.

Q What time did she die? A She died in '66.

Q Spring, summer or fall; before you married or after? A Just before I married.

Q Did you ever see her? A Seen her many a time.

Q In Texas? A No sir, never seen her in Texas.

\*\*\*\*\*

266 19 1851  
In the case of Martha Albert and the referred cases, that the Cherokee Nation desires to introduce testimony in them on Friday, the 28th inst., between the hours of eight in the morning and five in the afternoon.

Answer: The applicant will on said day introduce additional testimony in the case at bar.

Commissioner: This testimony will be filed in the following Cherokee Tradition cases: D-43, D-140, D-188, D-89, D-100, D-101, D-102, D-103, D-104, D-105, D-114, D-150, D-151, D-152.

\*\*\*\*\*

Brace G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Brace G. Jones

Sworn to and subscribed before me this 15th of September, 1901.

[Signature]

Commissioner.

RECEIVED  
SEP 15 1901  
U.S. DEPT. OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS

COMMISSION TO INVESTIGATE  
DEPARTMENT OF AGRICULTURE  
SEN. HATTIE HARRIS  
SEN. HARRIS

Q. Did he say that his wife and children were sold? A. I think he did, I won't be positive about that, but I think he did. I remember one thing he told me, he was mighty jockey and working for me there picking cotton and chopping cotton and talking about his ups and downs down there in Texas, and what makes me think that you know, I asked him you come down here in Texas and he spoke about his wife and children being sold out, and if I mistake not, he told me before the war they were sold out, and then at the close of the war, or after the war a while, he come back, but I don't remember anything about the time, date; I never was acquainted with him until '69, we made a crop there that year and how come me to get acquainted with him is what I say; I had rented that place of Joe Purdue's on the creek and we made a crop there that year and I made a crop there in '70.

Q. Well, did you ever hear Martha Albert say anything about her whereabouts, where she came from? Well she claimed, if I understand it, she claimed that she come from Texas.  
Q. Do you remember whether you ever heard Jennie Barnes say anything about where she come from? I never heard Jennie Barnes say anything about it. She was not about our house, but these others they worked for a short time.  
Q. Do you remember whether either made any statement as to where his wife formerly belonged or up here in this country before the war?  
A. I just don't remember.

Q. Now, I object to that.  
A. I think you will be noted.  
Q. It seems to me that she was a white girl, I won't be positive

File with case of Sarah Brown, et al., C.F.-D.#151.  
Supl. C.F.-D.#42.

DEPARTMENT OF THE INTERIOR,  
BUREAU OF INDIAN AFFAIRS,  
WASHINGTON, D.C., September 17, 1901.

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APPEARANCES:

W. W. Hastings, Attorney for Cherokee Nation;  
A. S. McRea, Attorney for applicants.

W. W. HUGHES, being duly sworn, testified as follows on  
part of the Cherokee Nation. BY MR. HASTINGS:

Q What is your name? A J. W. Hughes.  
Q Post office? A Ramey.  
Q That is your age? A 53.  
Q Are you a citizen of the Cherokee Nation? A Well my wife and  
children are, I wasn't married according to the Cherokee laws.  
Q When were you married? A I were married in '69, July, '69.  
Q Where did you live that year after you were married? A I lived  
in the Indian Territory on Joe Purdue's place on Webber creek; in  
a mile and a half or two miles beyond Dig Leas creek.  
Q That is in Sequoyah district? A Yes, sir.  
Q And about how far from Fort Smith, Arkansas? A Well, according  
to the line straight through, about eight miles.  
Q Do you know Colly Albert, a colored man? A Yes, sir, I was  
acquainted with him there.  
Q Were you acquainted with his wife, Martha Albert? A Yes, sir.  
Q Did you know Martha Albert's father? A Yes, sir, that is what  
they claimed to be her father.  
Q Well, what was his name? A His name was Boldan, I could not  
tell you what his given name was. He claimed his name was Boldan.  
Q Well, he was recognized there as the father of Martha Albert?  
A Yes, sir.  
Q Did you know Martha Albert's sister, Jennie Barnes?  
A Yes, sir, I was well acquainted with them, lived in a half mile  
of them about four years.  
Q Did these children do any work for you in these early days,  
'69 or '70? A Well, in the year of '70 when I was living there  
on the place they were living a quarter or half a mile below me, I  
rented a place from Joe Purdue and they were living joining that  
place, and I hired them to chop cotton for me and also to pick cot-  
ton and work; and do some other work making rails and fixing fence,  
and I worked there with them two or three years; they worked for me.  
Q Did you ever have any talk, or hear any members of this family  
make any statement as to where they come from and their whereabouts  
prior to that time? A I have heard Boldan and his daughter, Colly  
Albert's wife, I never have heard Colly speak anything concerning it  
as I remember at this time.  
Q Well, from Boldan or Colly's wife, Albert? A I heard Boldan-  
Mr. McRea: I object to anything Boldan said.  
Commissioner: Note the objection and answer the question.  
A I heard him saying he was in Texas; he claimed himself to be part  
Cherokee, if I mistake not, and that he was not a slave; he claimed  
that he was not but his wife and children--seems to me he had two  
children--and they were sold out of here and was carried to Texas  
by somebody, and I don't remember just who he said carried them  
away, but the best I remember about it that he had two children,  
Martha and Jennie, two girls; if I mistake not, as near as I can  
possibly think of it not at the present, and that he went along for  
his children's sake was what I seemed to understand from his talk,



and that he still lived there until the war closed and moved back, but I never was acquainted with him until '69 or '70.

Q Well, did he say when they went to Texas? A No, sir, I don't remember.

Q Well, as to the war, or before the war? A It must have been before the war.

Q Did he say that his wife and children were sold? A I think he did, I won't be positive about that, but I think he did. I remember one thing he told me, he was mighty jokey and working for me there picking cotton and chopping cotton and talking about his ups and downs down there in Texas, and what makes me think that you know, I asked him you come from down here in Texas and he spoke about his wife and children being sold out, and if I mistake not, he told me before the war they were sold out, I won't be positive about that, but it seems to me that he did, and then at the close of the war, or after the war a while, he come back, but I don't remember anything about the time, date; I never was acquainted with him until '69, we made a crop there that year and how come me to get acquainted with him is what I say, I had rented that place of Joe Purdus' on the creek and we made a crop there that year and I made a crop there in '70.

Q Well, did you ever hear Martha Albert say anything about her whereabouts, where she came from? Well she claimed, if I understand it, she claimed that she come from Texas.

Q Do you remember whether you ever heard Jennie Barnes saw anything about where she come from? A I never heard Jennie Barnes say anything about it, she was not about our house, but these others they worked for me a great deal.

Q Do you remember whether Boldan made any statement as to who his wife formerly belonged to up here in this country before the war?

A I just don't remember.

Mr. McRea: I object to that.

Commission: Your objection will be noted.

A It seems to me that she was a white girl, I won't be positive about that now.

MR. McREA: Mr. Hughes, you say your first acquaintance with Martha Albert and her family was in '69 or '70? A First acquaintance was '69, and in the fall of '69.

Q You knew nothing of them before that? A No, sir, I did not know them before '69, I could not tell you just what time of the year, but it must to have been, the best knowledge I have about it now, was in '69, and what makes me think so I was married in '69, in July.

Q When was the last time you saw Martha Albert? A I suppose it must have been two or three years ago the last time I remember seeing her, two or three years ago.

Q Did you ever give testimony in this matter before?

A I never have, never was called on.

Commission: This testimony will be made a part of the record in the following cases: D.#42, D.#146, D.#182, D.#99, D.#100, D.#101, D.#102, D.#103, D.#104, D.#105, D.#114, D.#150, D.#151, D.#152.

J. O. Reason, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this September 18th, 1901.



Commissioner.



COPY

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Martha Albert, et al.,  
for enrollment as Cherokee Freedmen, consolidating the applications  
of

|                         |                         |
|-------------------------|-------------------------|
| Martha Albert, et al.,  | Cherokee Freedmen D- 42 |
| Robert Barnes,          | Cherokee Freedmen D- 99 |
| Lula Knalls, et al.,    | Cherokee Freedmen D-100 |
| Nancy Borkum, et al.,   | Cherokee Freedmen D-101 |
| Henry Albert, et al.,   | Cherokee Freedmen D-102 |
| John Barnes, et al.,    | Cherokee Freedmen D-103 |
| Jerry Albert,           | Cherokee Freedmen D-104 |
| Lillie White, et al.,   | Cherokee Freedmen D-105 |
| Malinda McLain, et al., | Cherokee Freedmen D-114 |
| Frank Gardner,          | Cherokee Freedmen D-146 |
| Joshua Barnes,          | Cherokee Freedmen D-150 |
| Sarah Brown, et al.,    | Cherokee Freedmen D-151 |
| Minnie Barnes,          | Cherokee Freedmen D-152 |
| Maggie Bell, et al.,    | Cherokee Freedmen D-182 |

D E C I S I O N .

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission, by Martha Albert, for herself and minor children, Elijah and Ida Albert; by Robert Barnes for himself; by Lula Knalls, for herself and minor children, Sarah French and Fred E. Knalls; by Nancy Borkum, for herself and minor children, Annie and Walter Borkum; by Henry Albert, for himself and minor children, Harry and Raymond Albert; that subsequent to the date of the original application a birth affidavit, which is made a part of the record herein, was filed with the Commission, showing the birth of Lewey Albert; by John Barnes, for himself and minor child, Gussie A. Barnes; that subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission, showing the birth of John A. Barnes; by Jerry Albert, for himself; by Lillie White, for herself and minor children, Mattie and Nancy White; that subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission, showing the birth of Amos White; by Charles McLain, for his wife, Malinda McLain, and minor children, Samuel, Ella, Christiana, Charles, Turner, and Jennetta McLain; by Frank Gardner, for himself; by Joshua Barnes, for himself; by Sarah Brown, for herself and minor child, Maggie Williams; by Minnie Barnes, for herself; by George C. Bell, for his wife, Maggie Bell; that subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission, showing the birth of George L. Bell.

The evidence shows that the applicant, Martha Albert, and her sister, Jennie Barnes, now deceased, were not slaves of Cherokee citizens or free colored persons residing in the Cherokee Nation at the commencement of the war of the rebellion. All the other applicants herein have been born since the commencement of the rebellion and are descendants of and claim right to enrollment through either the said Martha Albert or Jennie Barnes.

None of the names of said applicants herein are found on the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Martha Albert, Elijah Albert, Ida Albert, Robert Barnes, Lula Knalls, Sarah French, Fred E. Knalls, Nancy Borkum, Annie Borkum, Walter Borkum, Henry Albert, Harry Albert, Raymond Albert, Lewey Albert, John Barnes, Gussie A. Barnes, John A. Barnes, Jerry Albert, Lillie White, Mattie White, Nancy White, Amos White, Malinda McLain, Samuel McLain, Ella McLain, Christiana McLain, Charles McLain, Turner McLain, Jennetta McLain, Frank Gardner, Joshua Barnes, Sarah Brown, Maggie Williams, Minnie Barnes, Maggie Bell and George L. Bell, as Cherokee Freedmen, should be denied under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 496), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

*Tamie E. ...*

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*T. D. ...*

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*J. D. ...*

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Muskogee, Indian Territory,

this              

JAN 11 1901

CHAS. H. 28

**FILED**  
MAY 11 1905  
COMMISSION TO FIVE TRIBES.

Cherokee Freedmen B-412 to 411  
both inclusive,

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Muskegee, Indian Territory, April 27, 1905.

In the matter of the application for the enrollment of  
Martha Albert et al. as Cherokee Freedmen,

It appears from the records of the Commission that on the  
11 day of January, 1904, the Commission rendered a decision in the  
above case, denying all the applicants therein, which decision of the  
Commission was approved by the Secretary of the Interior on June 21,  
1904. It further appears that on March 25, 1905, this application  
was remanded by the Secretary of the Interior for further hearing.  
Now on this, the 27th, day of April, 1905, the applicants  
appeared in person and by their attorneys, Neal & London. The  
Cherokee Nation represented by Bell, Hastings & Davenport.

Witness for applicants.

A. J. Alberty, being duly sworn, testified as follows:

MR. NEAL:

- Q What is your name? A A. J. Alberty.  
Q Where do you live? A Near Stillwell.  
Q How long have you lived in the Cherokee Nation? A I was born  
there.  
Q How old are you? A About 60 years old.  
Q You are a Cherokee by blood? A Yes sir.  
Q Were you acquainted with Johnson Whitmire before the war? A Yes  
sir.  
Q How far did you live from him before the war? A I guess a couple  
of miles.  
Q Were you acquainted with his slaves? A Yes sir.  
Q Do you remember anything about his selling some slaves into Arkansas  
some time before the war? A Yes sir.  
Q To whom did he sell those slaves? A A man by the name of Dilling-  
ham.  
Q Do you know whether there was a slave named Nancy sold to that man?  
A I think so.  
Q Do you know this applicant? A Yes sir.  
Q Did you know her before the war? A Yes sir.  
Q To whom did she belong previous to the Rebellion? A Johnson  
Whitmire.  
Q Was he a Cherokee Indian, A Yes sir.  
Q Was she sold by Whitmire previous to the Rebellion? A Yes sir,  
I think she was.  
Q Do you mean this applicant? A No sir.

- Q Did he have two slaves by the name of Martha? A Yes sir, one was called big Martha and the other little Martha.
- Q Which one was sold? A Big Martha was sold.
- Q Was this one little Martha? A Yes sir.
- Q Was she sold? A No sir, the other one was sold to Dillingham.
- Q Do you know who took her out of the Cherokee Nation when the war broke out? A This one?
- Q Yes? A I think it was Cornelius Wright.
- Q Was he the boss who took the Whitmire niggers out? A Yes sir.
- Q Did you, at any time during the war or at the close of the war, see this applicant anywhere, and if so, where? A After the close of the war I was down there in the Cheetaw Nation on Red River, and I learned from the Cheetaws that there were a lot of refugees there. I looked out for them, and found some of the Whitmire slaves.
- Q Was that in the Cheetaw Nation? A Yes sir.
- Q When was it? A I think, to the best of my knowledge, that it was in the fall of '65.
- Q Do you know of your own knowledge when she returned to the Cherokee Nation? A No sir, I don't.
- Q What was this woman's mother's name? A She went by the name of Fanny.
- Q What was the name of the other Martha Whitmire's mother? A I think her name was Dicy.
- Q Her name was Dicy Whitmire before she was sold by Whitmire? A Yes sir.
- Q Was her name Dicy Whitmire or Dicy Shepherd? A They always went by the name of their master.

MR. HASTINGS:

- Q When is your birthday? A I think it was about '43, but I ain't right sure about it.
- Q You have never had a birthday since? A No sir.
- Q You didn't have one last year? A Yes, my birthday comes around I guess.
- Q When was it? A In August of '45, I think it was.
- Q But you was about 60 years old? A Yes sir.
- Q Do you remember about the year that Dicy, the mother of Martha, was sold to Dillingham? A It was two or three years before the war.
- Q Who else was sold at the time Dicy was sold to Dillingham? A There were two or three children.
- Q What were their names? A One of them was called Martha.
- Q Where did you live at the time? A Right up above Whitmire's up in Going Snake District.
- Q Vatt Whitmire lived there with his father didn't he? A If he did he was very young.
- Q You say it was only three or four years before the war? A Well, I don't know his age.
- Q Who did you get a letter from about a week ago to hunt up testimony in this case? A I didn't get one from anybody.
- Q Did you ever get one from anybody with reference to hunting up testimony in this case? A I saw Mr. Rogers.
- Q What Mr. Rogers? A That man over there behind Mr. Neal.
- Q What interest did he have in the case? A I couldn't tell you. He just asked me to go over there and see if I could find anybody that knew these people.
- Q Who did you go to to ask? A Mrs. Susie Walkingstick.
- Q What interest did you have in going around over the neighborhood asking people if they knew about the people in this case? A They had asked me to do it as a favor.
- Q Did you have any interest in the case? A No sir.



- Q How many slaves did Johnson Whitmire have when the war came up?  
A I don't know -- several.
- Q Let's have the names of some of them? A One was called Dicy, and Nancy, Emma, Rachel. I believe that is all I know the names of. There were several more, but I don't remember their names.
- Q How far did Jack Albert live from Johnson Whitmire? A About 8 miles.
- Q How far did Jeff Tib-mee-sky live from Johnson Whitmire? A About three or four miles.
- Q Do you swear that Johnson Whitmire owned this slave and her mother when the war came up? A Of course he owned them.
- Q You will swear that? A Of course I will.
- Q And he owned her mother at that time? A Yes sir.
- Q Was she very old? A Not very.
- Q Did she have any more children? A I don't know. I wasn't that well acquainted with her. I was over there a good deal, but I didn't know about her business.
- Q Don't you know whether she had any other children besides this Martha? A I don't know.
- Q Didn't she have one older than Martha? A I don't know.
- Q And didn't she have two younger than Martha? A I don't know.
- Q But you knew Nancy and Martha? A Yes sir, but I met them out on Red River after peace was made, and that is how I knowed so much about them.
- Q You didn't know that she had a brother or any sisters? A She had some brothers I guess.
- Q What were their names? A One went by the name of Nelson, one was Aaron, and one was Lewis.
- Q Who did they belong to? A I think they were kinder in partnership between Johnson Whitmire and George Whitmire.
- Q Did you know the father of Johnson and George Whitmire? A No sir.
- Q He died long before the war, didn't he? A I guess so. I never knew him at all.
- Q When did Dillingham get Dicy? A I don't know about that.
- Q Who took this applicant and her mother south? A Cornelius Wright.
- Q Is that Cale Wright's father? A Yes sir.
- Q Then Cale Wright would know about that? A I guess he would.
- Q How do you know they went south with Cornelius Wright? A They told me so.
- Q How old was this applicant when the war came up? A I could not tell you. I was about 15 years old, and she wasn't as large as me.
- Q Was she five years old? A I don't know.
- Q Was she three? A I don't know.
- Q Was she two? A I have no idea about her age.
- Q Do you mean to tell this Commission under oath that you knew this particular girl and yet can't tell whether she was 15 or two years of age? A She was over two.
- Q What is your best judgement, if you are going to tell the truth? A I guess she was 13 or 14 years old.
- Q You say she went south with Cornelius Wright? A Yes sir.
- Q Did Cale go with his father? A I don't know whether he did or not.
- Q Weren't you in the neighborhood? A No sir, I was a soldier.
- Q Who was the reputed father of this applicant? A I never knew him.
- Q Did you ever know of a free nigger by the name of Charley Beeland? A No sir.
- Q He didn't live around there? A He might have, but I didn't know him.
- Q He didn't go over with Dillingham? A I don't know.
- Q You would have known it if he had? A I might not have seen them when they left, but just heard of it.
- Q You know that Dicy went off with Dillingham? A Yes sir.
- Q And she had a child by the name of Martha? A Yes sir.
- Q And you swear that this Nancy and her child Martha were living there with Johnson Whitmire in Going Snake District when the war

- came up? A Yes sir.
- Q And yet you do not know how old she was? A I guess she was 13 or 14 years old.
- Q How long was it immediately before the war that you saw this child at Johnson Whitmire's? A I was around there several times, and I don't just know when was the last time.
- Q When was the last time you were at Johnson Whitmire's before the war? A I couldn't tell you that.
- Q You must tell us what is your best judgement. You are under oath now? A In those days I didn't keep any account of my whereabouts, I was a young man, and didn't keep no account.
- Q Were you in the country when the war came up? A Yes sir.
- Q How long before the war came up was it that you were at Johnson Whitmire's? A Just a short time.
- Q How long before the war was it that you saw Nancy at Johnson Whitmire's? A I couldn't tell you.
- Q Was it ten years? A It might have been.
- Q It might have been 15 years? A It might have been.
- Q You are not going to be positive on that point? A No sir.
- Q It might have been as much as four or five years before the war that you last saw Nancy and this child at Johnson Whitmire's? A It might have been a year or six months.
- Q When you were at Jeff Fik-nee-sky's you didn't know anything about these people? A Yes I did.
- Q Did you tell him that you knew them -- that you knew this applicant's mother? A Yes sir.
- Q Did you tell Jeff what you have told on this stand? A I told him that I knew of one being named Nancy, and I told him the other one, I told him of the one that Dillingham took out-- that that one was called Dicy and her daughter was called Martha.

MR. NEAL:

- Q Did you go into the army when the war first broke out? A Yes sir.
- Q Were you around there until you went off to soldiering? A Yes sir.
- Q Then you were in that neighborhood until the war broke out? A Yes sir.
- Q In your cross examination you told Mr. Hastings that it might have been 10 or 15 years or six months that you lived within two miles of Johnson Whitmire and didn't go down there. Do you mean that you lived there that long and didn't go about his place? A Yes sir.
- Q Then you don't know whether you stayed there five years before the war or not? A No, I couldn't tell you how long it was. I was over there now and then.
- Q Every four or five years or what? A Maybe every two or three weeks.
- Q Were you ever there every two or three weeks before the war broke out? A Yes sir, maybe it would be a month.
- Q Do you mean to say that before the war broke out you were over there every three or four weeks or every four or five years? A It was a short time.
- Q Were you over there every week or two or every year or two? A Every week or two.
- Q When you said you didn't know how long it was, you meant that you didn't know how many days it was before you went to the army? A Yes sir.
- Q Did you see Nancy within a month or six weeks before you went away? A Yes sir, I think so. It has been a long time ago and a man can't remember all of these things. Lots of things have slipped my memory.

MR. HASTINGS:

- Q Wasn't Watt Whitmire, being a son of Johnson Whitmire, in a little better position to know what slaves his father had than you were? A I guess he would. He knew them better than I would for he was with them every day.

COMMISSIONER:

- Q When were you last at Johnson Whitmire's before the war broke out? A I couldn't tell you exactly.  
Q What is your best judgment? A It might have been two or three weeks or a month.  
Q Was it within a short time before the war broke out? A Yes sir.  
Q Do you state now as a positive fact that when you were there the last time, that you saw this applicant there? A Yes sir.  
Q The last time you were at Johnson Whitmire's before the war she was there. Do you state that as a fact, now? A Yes sir, she was there, but she was never taken out of there.  
Q Well, she was there or else she was not? A Yes sir, she was there, but she was never was sold out.  
Q Were any of the other slaves there? A Yes sir.  
Q How often have you seen this witness since the war? A Just one time -- then I saw her yesterday or the day before. I saw her out on Red River before '65.  
Q Since '65 up to a couple of days ago you haven't seen her at all? A No sir.

(Witness identifies his signature attached to an affidavit which is shown him.)

- Q Are you willing to swear now, Mr. Alberty, that this woman, whom you haven't seen for 40 years is the same woman that you saw at Johnson Whitmire's just before the war? A Yes sir, I saw her out on Red River in '65, and she is the same one.  
Q And you haven't seen her since until a few days ago? A No sir, I haven't.  
Q In January of this year was your attention drawn to the fact about some Martha Albert --- about four months ago? A Not that I know of.  
Q Do you remember this paper that I showed you a while ago? A Yes sir.  
Q Did you read that paper before you signed it? A Yes sir.  
Q Four months ago you swore before Mr. Rogers, a Notary Public, that you had known this woman all her life time, and now you state that from the time you saw her down on Red River, in '65, until a few days ago you didn't see her at all? A I couldn't see her all the time.  
Q It is a fact that you had not seen her since '65 until a few days ago? A Yes sir, I hadn't.  
Q Prior to that time you had signed this affidavit, hadn't you? A Yes sir.

(Reference is made to an affidavit signed by the witness in the case of this applicant, signed on January 10, 1905, before H. L. Rogers, Notary Public, and which is a part of the petition for a rehearing, addressed to the Department of the Interior and to the Honorable Commissioner of Indian Affairs.)

MR. KEAL:

I have one other witness, Martha Williams, who is the Martha that was sold by Johnson Whitmire to Dillingham. She lives at Marlton, and

we sent a man down after her, and this morning I got a message stating that she is sick, and that a doctor's certificate has been procured. As soon as she is able to travel I would like to bring her up here and take her testimony. The testimony of this witness is important, because she is the Martha that belonged to Johnson Whitmire and who was sold out to Dillingham.

WITNESS RECUSED.

Martha Albert recalled for additional cross examination.

MR. HASTINGS:

- Q What is your name? A Martha Albert now.
- Q What was your father's name? A Charley Bowland.
- Q What was your mother's name? A Nancy, but she was called Nannie when she was young.
- Q How old are you? A I think I am about 60 years old, but I don't know exactly. I am not educated, and can't tell my age exactly.
- Q Were you married before the war? A No sir, I was just a little girl.
- Q Were you married during the war? A About the last year of the war.
- Q Where? A On Red River.
- Q Who did you go south to Red River with? A With Cornelius Wright's daughters.
- Q Who took them? A Cornelius Wright took them, and there was another lot went along. We all went together, but I was so small that I didn't pay much attention.
- Q Did you know any of Cornelius Wright's folks? A Yes sir, I knewed Alf Wright, and aunt Jinnie, and aunt Darous.
- Q Did Cornelius Wright have any children? A Yes sir.
- Q What were their names? A I can't tell you, for it has been a long time ago, and I can't remember their names.
- Q You can't recall the name of any one he had when the war came up? A I can remember them, but I can't remember their names.
- Q You can't remember the names of any of them that went south with you? A No sir.
- Q Where did Cornelius Wright live when the war came up, and about when you started south? A On the other side of Barren Fork.
- Q On which side of Barren Fork was that? A On the north side.
- Q How far from Barren Fork? A I didn't go out there and measure it, Mr. Hastings. I was too young.
- Q What was Cornelius Wright's wife's name? A Her name was Sarah, I think.
- Q Was she living when the war came up? A It seems to me like she was dead.
- Q How long had she been dead when the war came up? A You must recollect that I was a child and don't remember lots of things. You must give me a chance the same as anybody else. You folks didn't give us niggers no education so we could know and remember things like that.
- Q About how long before the war did Sarah Wright die? A I don't know.
- Q Will you swear that she didn't go south with Cornelius Wright? A I don't know.
- Q You are sure her name was Sarah? A I said I thought it was.
- Q What did us niggers know about that. All we could call them was Mistress, and most always that was all we knewed about their names.
- Q What was Cornelius Wright's childrens names that went south? A I don't know.
- Q You didn't have to call them Master and Mistress did you? A Sometimes we did, and then it has been so long ago that I have raised a family myself since then.



Q What was Johnson Whitmire's wife's name? A She was named Tempie.

Q Was she the wife that was living with him when the war came up?

A I think she was, but I wouldn't be positive.

Q You was their slave? A Yes sir, and he had plenty of slaves besides me.

Q How many children did Johnson Whitmire and his wife, Tempie, have?

A I will tell you the truth, and I wouldn't swear a lie to get on this roll. I don't know their names -- none but one. I knowed Watt, and that is the only one.

Q You know him because you heard me call his name, and because he was a witness against you in this case. How old was Watt when the war came up? A He was a good sized boy, but I was the largest.

Q If you were a child with them and Johnson Whitmire had some more children, why don't you remember their names? A I just tell you about that. If you had been raised up a slave in the backwoods like us you would not know your playmates' names.

Q The truth of the business is, you weren't there? A Yes sir, I was right there.

Q Did he have a brother named George Whitmire? A Yes sir.

Q What children did George Whitmire have? A He didn't live right there.

Q How far did he live from Johnson Whitmire? A I don't know. I know he lived in the country somewhere.

Q About how far? A I don't know.

Q You never were at George Whitmire's? A I belonged to Johnson Whitmire.

Q You never were at George Whitmire's? A No sir.

Q You don't know whether he had any children or not? A I think he did.

Q You don't know any of Johnson's children but Watt, and you did not know him until he testified against you? A Yes sir, I knowed him before.

Q But you never know any of the rest of them, did you? A I don't know.

Q Where did Johnson Whitmire live when the war came up? A He lived up in Going Snake District.

Q Near what town? A Tahlequah.

Q About how far from Tahlequah? A I don't know.

Q Your best judgement? A I didn't have no judgement about it.

Q You weren't there, were you? A I was born and raised right there on the old Whitmire place.

Q How far is it from Tahlequah? A I don't know.

Q Was it as much as two miles? A I never have measured it.

Q Was it a mile and a half -- what is your best judgement? A It might have been a mile and a half or five miles.

Q Is five miles your best judgement? A My best judgement is that I don't know.

Q Is five miles your best judgement? A I don't know how far it was.

Q On what side of Barren Fork did he live? A On the north side.

Q How far did he live from the creek? A I don't know that. He didn't live so powerful far, though.

Q Was it five miles? A No, I don't think it was that far.

Q Right when the war come up how far did Johnson Whitmire live from Barren Fork? A I guess his old house is sitting there right now, on the north side of Barren Fork.

Q How far from the creek? A I couldn't even answer less'n I know.

Q I want to know whether it was a short distance, or how far? A If I had been a young woman I might have been able to tell you.

Q How old were you? A I must have been about 4 or 5 years old.

Q And yet, you were married the last year of the war? A I was 13 or 14 years old when I married.

Q What became of your mother? A She died.

Q Where did she die? A Down in Sequeyah.

Q Did your father go south with you? A He didn't go with us but he come.

Q You remember seeing him around Johnson Wright's before you went?

A Yes sir, but his home was on Pea Vine.



- Q What kind of a house did Johnson Whitmire live in? A I think it was a big log house.
- Q Are you certain about that? A No sir, I won't be certain.
- Q Did he live on the hill or in the valley? A On the side of the hill.
- Q And you were four or five years old? A I suppose I was about that old.
- Q You were born in '43 and left in '47? A I don't know. You ask me too tight questions. If I was cold I would say so.
- Q How many slaves did Johnson Whitmire have? I mean, when the war came up? A He had old Aunt Tempie, Artie, Mose, Celia, Mary, Fanny and me.
- Q Did Celia have any children? A No sir.
- Q Did Tempie? A She had two.
- Q Were they older or younger than you? A Older.
- Q Did they have any about your age? A No sir.
- Q Did Mary have any children? A Yes sir.
- Q What were their names? A One was named Bess and one was named Tom.
- Q You don't know how far from Barren Fork Johnson Whitmire lived, though? A No sir.
- Q You didn't know any of his children but Watt? A I did know them, but I have forgot their names.
- Q You didn't know any of Cornelius Wright's children's names? A No sir.
- Q You do not know the names of any of George Whitmire's children? A No sir, we didn't belong to George.

#### COMMISSION:

- Q You have some children, haven't you, that you applied for? A Yes sir.
- Q Elijah and Ida are two of them? A Yes sir.
- Q Who is the father of these children? A Colly Albert.
- Q He was a state man wasn't he? A Yes sir. Old man Bushyhead raised him, but he didn't belong to him.
- Q How many times have you been married? A Just the one time.
- Q What was your husband's name? A Colly Albert.
- Q He doesn't claim any rights as a Cherokee Freedman? A No sir.
- Q You have a child called Henry? A Yes sir.
- Q Has he got some children? A Yes sir.
- Q What are their names? A Harry, Raymond, and Louie.
- Q Who is the mother of these children? A Florence.
- Q She is a state woman? A Yes sir.
- Q She doesn't claim any rights as a Cherokee Freedman? A No sir.
- Q You have a girl called Lillie White? A Yes sir.
- Q She has some children? A Yes sir.
- Q Who was the father of these children? A Henry White.
- Q He is a state man? A Yes sir.
- Q Have you a child called Nancy Balkum? A Yes sir.
- Q Has she any children? A Yes sir.
- Q Their father doesn't claim any rights as a Cherokee Freedman. A No sir.
- Q Have you a daughter named Malinda? A Yes sir.
- Q Has she any children? A Yes sir, six.
- Q Does the father of these children claim any rights as a Cherokee Freedman? A No sir.
- Q Are they all living? A Malinda is dead, but her children are all living.
- Q What relation is Jennie Barnes to you? A She is my sister.
- Q A full sister? A Yes sir.
- Q Did you have the same father and mother? A Yes sir.
- Q Is Robert Barnes Jennie Barnes' son? A Yes sir.
- Q The father of Robert was a state man? A Yes sir.

- Q Jennie Barnes had a daughter called Lula Knalls? A Yes sir.  
 Q And she has two children? A Yes sir.  
 Q What are their names? A Sarah French and Fred E. Knalls.  
 Q Was the father of Sarah French a state man? A Yes sir.  
 Q What about the father of Fred? A He was a state man.  
 Q Who was the father of B-430? A He was a state man, too.  
 Q He is dead isn't he? A Yes sir. A Yes sir.  
 Q John Barnes is a son of Jennie Barnes son? A Yes sir.  
 Q His father was a state man? A Yes sir.  
 Q The mother of Gussie and John is a state woman? A Yes sir.  
 Q Sarah Brown has got a child called Maggie Williams? A Yes sir.  
 Q What is its father's name? A Marcus Williams.  
 Q He is a state man? A Yes sir.  
 Q Jennie Barnes had a daughter named Maggie, and Maggie had a son named George L. Bell. Who was the father of this child? A George Smith, or Bell.  
 Q Is he a state man? A No sir.  
 Q He was denied as a Cherokee Freedman? A Yes sir.

WITNESS EXCUSED.

Witnesses for the Nation.

Watt Whitmire, being duly sworn, testified as follows:

MR. HASTINGS:

- Q What is your name? A Watt Whitmire.  
 Q What is your post office? A Westville.  
 Q What is your age? A 53.  
 Q Are you a Cherokee by blood? A Yes sir.  
 Q What was your father's name? A Johnson Whitmire.  
 Q What was your mother's name? A Charlotte.  
 Q Was your mother living when the war came up? A No sir.  
 Q How long had she died before the war? A I don't recollect. I was just an infant when she died. I think she died about ten years before the war.  
 Q Had your father remarried when the war came up? A Yes sir.  
 Q What was his wife's name then? A Tempie.  
 Q Did you have any brothers and sisters living when the war came up? A Yes sir, I had one full brother by the name of William, older than me, and then I had some half brothers, named George and Ellis, and a sister named Charlotte.  
 Q Do you know this applicant that goes by the name of Martha Albert? A If I ever saw her before I don't know it.  
 Q Did your father own some colored people when the war came up? A Yes sir.  
 Q Did he own one called Nancy when the war came up? A No sir.  
 Q Did your father own this colored applicant, who claims that she is the daughter of Nancy, when the war came up? A There was no Nancy on the place.  
 Q Did your father own this applicant? A No sir, she wasn't on the place.  
 Q Were you living with your father when the war came up? A Yes sir.  
 Q How far were you living from Barren Fork? A Right at two miles.  
 Q On which side of the creek? A South side.  
 Q Did you ever live on the north side of Barren Fork? A No sir.  
 Q Do you know one, Andy Alberty, whose post office is Stilwell? A Yes sir.  
 Q He has just testified upon the stand that your father owned a nigger slave by the name of Nancy and this applicant, who was the child of Nancy when the war came up. Was that true? A No sir, he never owned no women by the name of Nancy.

- Q How far did Andy Alberty live from your father when the war came up? A As near as I can guess it, it was 7 or 8 miles.
- Q What kind of a house did your father live in? A A double log house.
- Q You say your own mother was dead? A Yes sir.
- Q Was your stepmother living when the war came up? A Yes sir.
- Q What became of your father's slaves? A When father went south we left the women folks all at home. The men had all gone north before we left home. He and my brother, George, were the last ones to leave the place, and we left all the women folks on the place, and after we left they all went north.
- Q None that you owned went south? A Not one.
- Q Where did you go during the war? A Down on Red River on the Choctaw side.
- Q Did you know Cornelius Wright? A Yes sir.
- Q Did you know his son, Cal? A Yes sir.
- Q How far did they live from you? A Some five or six miles.
- Q On what side of Barren Fork? A On the southeast side from us.
- Q Did you see them down on Red River during the war? A Yes sir.
- Q Did they have some slaves down there? A Yes sir.
- Q Did they have a woman by the name of Nancy? A If they did I don't know it.
- Q Did you ever see this applicant down there? A No sir.
- Q Did you ever see her anywhere before? A No sir, this is the first time I ever saw her.
- Q How long were you all and Cornelius Wright's people together in the Choctaw Nation? A I don't know. We moved away and left them there. We moved there in the early fall and left early the next spring, and we left Cornelius Wright's folks living there.
- Q They were related to you? A Yes sir.
- Q You knew that Cornelius Wright didn't have any slave of your father's by the name of Nancy, down there? A No sir.
- Q Did you ever know the alleged father of this applicant who she said went by the name of Charley Rowland? A No sir.
- Q Was he in your neighborhood before the war? A I never heard of him.
- Q Did you see him down on Red River during the war? A No sir.

MR. REAL:

- Q You say you and your brother went off and left the women folks there? A Yes sir.
- Q You mean the slaves? A Yes sir.
- Q You also said that they all went north? A Yes sir.
- Q Do you know where they went? A I don't know only what they told me. After the war they told me they went to Fort Scott. One of the men told me that.
- Q You don't know, of your own personal knowledge, where they went? A No sir, I just have their word.
- Q You say that one of the men told you? A Yes sir, Dick and Mose both told me that the women folks were all in Fort Scott.
- Q You said the men folks all went north? A Yes sir, they went north first — before we left.
- Q All you know about where the women folks went is what Dick and Mose told you, and they left before you did? A Yes sir.
- Q You say your father didn't own any slave by the name of Nancy? A No sir.
- Q Did he own one by the name of Nannie? A Yes sir, there was a little girl by the name of Nannie.
- Q How old do you say you are? A 83.
- Q That would make you how old when the war broke out? A Between 9 and 10.
- Q You were acquainted with all of your father's slaves, were you? A Yes sir.
- Q Knew all of the children? A Yes sir.



- Q How many children did Rachel have? A 3 or 4 -- I don't know just exactly whether it was 3 or 4.
- Q How many children did Bookie have? A There was Charlotte, Lisa, Ibbey and Mary.
- Q There was a slave there named Fronie? A Yes sir, but I have forgotten which woman was her mother.
- Q How many children did Fronie have? A One.
- Q Of your knowledge, you don't know where your father's slaves went? A Not only what they told me. They told me they went north.
- Q You never have seen any of the women folks since then? A Not since the war.
- Q You don't know where they are now, do you? A Not for certain. I never have been right to their houses.
- Q You never have spoken to one of the negro women that belonged to your father, since the war? A No sir.
- Q The only slaves of your father's that you have seen are Mose and Dick? A Yes sir.
- Q How many slaves did your father have when the war broke out? A I would have to count them up.
- Q About how many? A I guess there were 15 or 20, children and all.
- Q You have named four children of Rachel's --- A As well as I recollect, I said there were that many.
- Q Five of Bookie's? A Yes sir.
- Q And one of Fronie's? A Yes sir.
- Q How many more children were there? A There was one by the name of Charlotte that had one or two children I think.
- Q Do you think that, being only 9 or 10 years old, you would recognize a woman 55 or 60 years old who was a girl at the outbreak of the war? A I guess not.
- Q Then you don't know anything about Martha Albert -- anything about who she is, or anything about her? A No sir.
- Q If she belonged to your father you don't know it? A No sir.

MR. HASTINGS:

You knew your father didn't have a grown woman, with children, by the name of Nancy when the war came up? A No sir, he didn't.

COMMISSION:

- Q You have testified in this case once before? A Yes sir.
- Q Are you the Watt Whitmire that testified at Fort Gibson in 1901? A Yes sir.
- Q Do you know this man, Dillingham? A No sir, I have heard of him frequently.
- Q Did he live in your neighborhood? A I think not. I have heard my father speak of him.
- Q You do not know how near he lived to your home, do you? A No sir, I know the place they say he lived on.
- Q You know this Andy Alberty that testified here awhile ago? A Yes sir.
- Q Did you know him before the war? A No sir.
- Q Then was the first time you ever knew him? A Since the war I got acquainted with him.
- Q You don't know whether he was in the habit of visiting your father's house or not? A No sir.
- Q Your mother's name was Lottie? A Charlotte.
- Q You belonged to the second marriage? A No, the first.

MR. WHALE:

- Q How long before the war was it that your father married Tempie? A I don't recollect just when it was. I was a boy, up and running around, I guess two or three or four years old. It was anyway, three or four years before the war.

Q You were about 9 or 10 when the war broke out? A Yes sir.

MR. HASTINGS:

Q Was there any other Johnson Whitmire living around there before the war? A No sir.

COMMISSIONER:

Q Do you know what year it was that you went to Red River? A No sir, I don't.

Q What is your best judgment as to what year it was? A It would have to be a round about guess. I guess it was the second year of the war.

Q Do you remember distinctly about going to the Chectaw Nation? A Yes sir.

Q You remember the trip down there, and the people you met down there? A Yes sir.

WITNESS EXCUSED.

Cale Wright, being duly sworn, testified as follows:

MR. HASTINGS:

Q What is your name? A Cale Wright.

Q Where do you live? A Tahlequah.

Q How old are you? A I am 39.

Q What was your father's name? A Cornelius Wright.

Q Were you living with your father when the war came up? A Yes sir.

Q Where? A About 3 or 4 miles west of Dutch Mills, on the Cherokee side.

Q What District? A Going Snake.

Q How far from Barron Park? A About two and a half miles, I guess.

Q Where did your father go during the war? A South.

Q Did you go with him? A I didn't exactly start with him, but I got with him at Fort Smith when he was on the way.

Q Did you continue on the trip with him? A Yes sir.

Q Where did you go to? A The first place we stopped at was Armstrong's Academy in the Chectaw Nation, then we moved from there down to 10 miles south of Doakville, near Red River.

Q Do you know this applicant, Martha Albert? A No.

Q She has testified that she and her mother, Nancy went south with your father during the war, and that her mother, Nancy, belonged to Johnson Whitmire, as well as herself, at the beginning of the war. Is that true? Did a Nancy Whitmire, who had one or two children, go south with your father? A They were not with him when I came up with him.

Q Did they have a Nancy Whitmire anywhere on that trip? A No sir.

Q Were you ever about Johnson Whitmire's place before the war?

A Yes sir, I boarded there and went to school two seasons.

Q And you lived in his neighborhood? A Yes sir, within five miles.

Q Did Johnson Whitmire have some slaves? A Yes sir.

Q Did he have a slave by the name of Nancy who had some children when the war came up? A No sir. I never heard of that name while I was there going to school.

Q You lived in the same neighborhood? A Yes sir.

Q You were related to Johnson Whitmire? A I suppose we were distantly related, but I don't know just how much.

Q You do not know the degree of relationship? A No sir.

Q Did you ever see this applicant down south after the war or during the war? A I am just looking at her. Let me talk to her some, and see.

Q Are you satisfied, from the conversation that you have had with her, that she was with your father down south? A No, she could not have been.



- Q Did you know this Andy Albert? A Yes sir.  
 Q How far did he live from Johnson Whitmire before the war?  
 A It must have been 5 miles, across the mountain.  
 Q You swear positively that your father did not have a woman by the name of Nancy, and her child, that belonged to Johnson Whitmire, down on Red River during the war? A No sir.

- Applicant to witness-- Was Arthur with you? A No.  
 Q Was Rose? A Yes, there was a Rose -- Lucindy's daughter.  
 Q Was Jimmie with you? A Jimmie died in '61.

MR. HASTINGS:

- Q You know that no Nancy Whitmire went south with your father?  
 A No sir.

MR. NEAL:

- Q You said just now that you judge from your conversation with the applicant, that she could not have been with your father down there? A No sir, she couldn't.  
 Q The reason that you say she was not with your father is because she doesn't seem to know enough about the people? A That is it.  
 Q Upon that you base your judgement? A Yes sir.  
 Q There were a good many slaves that went with your father down there? A Yes sir, several.  
 Q Did any of the Whitmire niggers go with your father? A No. The Whitmires went out there themselves and we all went to ourselves, and at last we all got into the same neighborhood before we started back.  
 Q You didn't go out of the Territory at all? A No, we stopped on the north side of the river in the Chectaw Nation.  
 Q You say that you boarded at Johnson Whitmire's and went to school, and you say he had no slave named Nancy-- name some of his slaves--  
 A You call them off.  
 Q I want you to call them off? A He had Hannah, Myra, Frenie, Rachel, Abby, Mary, and there might have been some young ones, but those are the older ones.  
 Q Didn't he have one named Jane? A Not that I know of.  
 Q Didn't he have one named Mattie? A No.  
 Q Didn't he have one named Nannie? A Well, I don't know, but if he did she must have been mighty small.  
 Q Didn't he have one named Sookie? A Yes, there was one named Sookie.  
 Q Do you know the names of any of the men? A Yes, there was Dick, Mose, Mike, Frank, and Mark.  
 Q What was Johnson Whitmire's wife's name when the war came up?  
 A Her name was Tempie.  
 Q Were you acquainted with his first wife? A No, she was dead long before I could remember her.  
 Q How old were you when you boarded there? A It was along in '50, I was a good big chap.  
 Q You remember the names of all of these slaves by having boarded there? A Yes sir.  
 Q How far did you live from there? A About 5 miles, I reckon. In our country we had what we called bridle ways that were nearer, but it was about 5 miles around.

MR. HASTINGS:

- Q Did you mean in the year '50 or between '50 and '60? A Yes sir, that is it -- between '50 and '60.  
 Q About how long before the war? A I couldn't tell that.

The war broke out in '61, and it must have been three or four years before the war.

Q Were you there frequently besides boarding there? A Yes sir.

MR. NEALE:

Q You said when you were south on Red River that the Whitmire folks got into the same neighborhood? A Yes sir.

Q And some of the slaves were there? A Yes sir.

Q Old man Johnson Whitmire didn't carry out any slaves? A I think George had a slave or two.

Q You say that none of Johnson Whitmire's slaves were there? A No, they all went north.

CROSS EXAMINATION:

Q Have you ever seen this woman before, to your knowledge? A No sir, I don't know anything about her.

Q How far do you live from Melvin? A I live up to Tablequash, and I don't know just how far it is.

Q Do you know any of these applicants --- any of this woman's children? A No sir.

WITNESS EXAMINED.

J. W. Alberty, being duly sworn, testified as follows:

MR. HASTINGS:

Q What is your name? A J. W. Alberty.

Q What is your post office? A Westville.

Q How old are you? A Well sir, I will be 71 years old the 26th day of July.

Q This is the case of Martha Albert, in which you have given testimony before? A Yes sir.

Q You knew Johnson Whitmire before the war? A Yes sir.

Q How far did you live from him? A Six or seven miles.

Q You testified about the sale of some slaves to a man by the name of Billingham? A Yes sir.

Q About when did he sell them to Billingham? A It was either in '47 or '48.

Q Did you know this applicant here? A No sir.

Q She has testified that her mother was named Nancy and that her father was named Charley Rowland. Did you know the Nancy, the alleged wife of Charley Rowland? A Yes sir.

Q Who did she belong to? A Old man Billingham moved to Texas and took this family with him.

Q To whom did she previously belong? A To Johnson Whitmire.

Q And Billingham acquired her from Johnson Whitmire in the year of 1847 or 1848? A Yes sir.

Q Are you certain that her name was Nancy? A Yes sir.

Q What became of Charley Rowland? A He went with Billingham.

Q Do you know whether Nancy had some children? A She had two or three.

Q You don't know whether this applicant was one of them or not? A No sir.

Q Did Johnson Whitmire have a grown slave by the name of Nancy when the war came up? A No sir, not that I know of.

Q You were familiar with him? A Yes sir.

Q Are you prepared to say that Charley Rowland was not in that territory when the war came up? A Yes sir.

Q Do you know Andy Alberty? A Yes sir.

Q Is he a relative of yours? A Yes sir.

- Q Where did he live before the war? A He lived right close to Oak Grove school house.
- Q How far from Johnson Whitmire's? A Between 7 and 8 miles.
- Q Then Nancy, the wife of Charley Bowland, was taken south? A Yes sir.
- Q What was the citizenship of Dillingham? A He wasn't no citizen at all, he was just a white man.
- Q Well, he was a United States citizen? A Yes sir.
- Q Where did he live in '48 or '50? A Before he went to Texas he lived in Arkansas.

MR. HEAL:

- Q You lived closer to Dillingham than you did to Johnson Whitmire didn't you? A Yes sir.
- Q You were better acquainted with Dillingham's slaves than you were with Johnson Whitmire's? A Yes sir.
- Q You knew more about this woman after Dillingham bought her than than you did when she belonged to Johnson Whitmire? A Yes sir.

WITNESS EXCUSED.

Jeff Catcher (Tik-nas-sky), being duly sworn, testified as follows:

MR. HASTINGS:

- Q What is your name? A Jeff Catcher.
- Q What is your postoffice? A Stilwell.
- Q How old are you? A I was 66 the 16th. day of last month.
- Q Are you a Cherokee citizen? A Yes sir.
- Q You are also known as Jeff Tik-nas-sky? A Yes sir, that is my Cherokee name.
- Q Where did you live before the war? A In Seig Snake District, on Pea Vine.
- Q Close to where you live now? A About 200 yards west of where I live now.
- Q Did you know Johnson Whitmire before the war? A Yes sir.
- Q How far did you live from him? A It was about three quarters of a mile, I reckon, maybe a little over.
- Q Were you a soldier in the army? A Yes sir.
- Q You were about grown when the war came up? A Yes sir.
- Q Did Johnson Whitmire have some slaves? A Yes sir.
- Q Did he have a green woman slave by the name of Nancy, who had some children when the war came up? A No sir, I don't recollect one by that name.
- Q Were you frequently at his house? A Pretty near all the time, once a week, anyhow. I was there pretty much all the time.
- Q Do you know this applicant, who gives her name as Martha Albert? A No sir.
- Q Did you ever see her before? A No sir.
- Q Did you know a white man that lived across the line by the name of Dillingham before the war? A No, I never saw him, but I have heard him talked of a good deal.
- Q You were too small to remember him? A Yes sir, but I have heard of him.
- Q You don't know whether he bought some slaves of Johnson Whitmire or not? A I don't know. He didn't after I got big enough to recollect.
- Q Did Johnson Whitmire, when the war came up, have a woman by the name of Nancy? A No sir.
- Q What army were you in? A The Federal army.
- Q Do you know Andy Albert? He just testified here awhile ago?



- A Yes sir.
- Q How far did he live from Johnson Whitmire? A Between 7 and 8 miles.
- Q Did you know a free colored man in that country by the name of Charley Bouland? A I have heard of him, but I don't recollect him.
- Q He wasn't there just before the war? A No sir.

MR. NEAL:

- Q You say that you don't remember a woman named Nancy that belonged to Johnson Whitmire? A No sir.
- Q You don't mean to say that he didn't have one by that name, but that you just don't remember her? A If he had one it must have been a small child, for I know all the old ones. I think I can name all the old ones.
- Q Name them? A The old women that I knew was Myra, Em, Sookie, Hannah, Rachel, Frenie, Mary, Charlotte, and the balance were small and I don't recollect their names.

- MR. HASTINGS: Q Was Andy Alberty ever to see you lately to see about this case? A Yes sir, last Sunday.
- Q What did he say to you? A He asked me if I knew of Mr. Whitmire having a woman by the name of Nancy.
- Q What did he say about it? A He didn't say that he knew anything about it. He just wanted to find somebody that knew them.
- Q Did he say that he knew one at that time by the name of Nancy? A He didn't say whether he did or not. He just wanted to find somebody that did know her. I told him I didn't think Johnson Whitmire owned any nigger by that name.
- Q That is the same Andy Alberty that you saw out there in the hall who has just testified here? A Yes sir.

MR. NEAL:

- Q As soon as Mr. Alberty told you that he wanted to get witnesses who knew this woman who did you go and tell about it? A I told him that there was an old woman up there, Susie Walkingstick, and that if anybody would know about it she would for she was older than I was. I said, for my part, I didn't know anything about it. Afterwards, I saw him and told him that what I knew was not in his favor, but will go against him, for I was there and knew all about his niggers.
- Q You sent him around to see Susie Walkingstick, and told him that if he owned one by that name it was before you could remember? A Yes sir.
- Q And then you chased out to see if they wanted witnesses for the Nation? A No sir.

COMMISSIONER:

- Q How big a place did Johnson Whitmire have? A About 75 acres in cultivation.
- Q About how many slaves did he have at the beginning of the war? A He must have had 16 or 20.
- Q Was that the only place he had in the Cherokee Nation? A Yes sir.
- Q Did he have a plantation anywhere else? A Nothing only a cattle ranch down about Vebers Falls. He and his brother George had a ranch together. They both owned slaves.
- Q He didn't have any female niggers down at the ranch? A No sir.
- Q You are positive that those are the only two places he had? A Yes sir.

WITNESS ACCUSED.

Charlotte Wright, being duly sworn, testified as follows:

MR. HASTINGS:

- Q What is your name? A Charlotte Wright.  
Q What is your post office? A Christie.  
Q How old are you? A 38.  
Q What was your maiden name? A Whitmire.  
Q Who was your father? A George Whitmire.  
Q What relation was he to Johnson Whitmire? A A brother.  
Q Where did you live before the war? A I lived on Barron Fork, West of the Barron Fork station and east of Christie.  
Q How far from where you are living now? A About a mile and a half.  
Q You have lived there all your life? A Except when I was south during the war.  
Q Did you go south? A Yes sir, we were gone four years.  
Q Where did you go? A To Red River -- near Bonham only we were on the Choctaw side.  
Q Did you know Cornelius Wright before the war? A Yes sir.  
Q Did you see him down on Red River? A Yes sir.  
Q Do you know Cals Wright? A Yes sir.  
Q You saw these people down south during the war? A Yes sir, we got to be neighbors down there.  
Q Did Johnson Whitmire have some slaves before the war? A Yes sir.  
Q Do you know this applicant here? A I don't recognize her.  
Q Did Johnson Whitmire have a grown woman slave by the name of Nancy when the war came up? A I don't remember her.  
Q Was there a free colored man in the neighborhood, by the name of Charley Bowland, when the war came up? A I never heard of it.  
Q This applicant gives her mother's name as Nancy and her father's name as Charley Bowland? A I never knew them.  
Q Do you state that Johnson Whitmire had any slave by the name of Nancy, who had some children, when the war came up? A If he did I don't know it.  
Q He was your uncle? A Yes sir.  
Q Were you frequently at his house? A Yes sir.  
Q How far did your father live from him? A I guess it was 5 or 6 miles.  
Q You lived in the same neighborhood? A Yes sir.  
Q And you were frequently at your uncle's place? A Yes sir.  
Q Would you stay any length of time? A As long as a week.  
Q You knew his family and slaves? A Yes sir.  
Q They never had one by the name of Nancy that you know of? A No sir.  
Q Did you see any slaves down south with Cornelius Wright, and among them one named Nancy who claimed to belong to your uncle Johnson before the war? A No sir, none of his slaves went south that I know of. They all left him.  
Q You didn't see any down there that claimed to have belonged to him? A No sir.  
Q You do not remember to have ever seen this applicant before? A No sir.

MR. BEAL:

- Q You have not seen any of Johnson Whitmire's female slaves since the war, have you? A No sir.  
Q You probably wouldn't remember a girl that was 4 or 5 years old? A I think I would recognize her. I could be mistaken, but I think I would recognize her.  
Q How old were you when the war broke out? A I was 14 years old when we had to leave home.  
Q You say that if Johnson Whitmire had a slave by the name of Nancy, you don't know anything about it? A No sir.  
Q You don't know that he didn't have one by that name, but you just don't know about it? A I never saw one by that name on the place, and I don't think he had one by that name. I don't recollect any-



thing about it, and never heard anything about it.

Q You don't know positively that he didn't have one by that name?

A No sir, he didn't have one by that name that I know of. He didn't have one at home, and I don't think he had any away from home. I never heard of it if he did. But I know there was no one on the place by that name.

WITNESS EXCUSED.

Charles Whitmire, being duly sworn, testified as follows:

MR. WATKINS:

Q What is your name? A Charles Whitmire.

Q What is your post office? A Prector.

Q How old are you? A 40 I reckon.

Q Are you younger than your sister, Mrs. Wright? A Yes sir.

Q She was your sister? A Yes sir, she was always recognized as my sister.

Q You are the son of George Whitmire? A Yes sir.

Q Johnson Whitmire was your uncle? A Yes sir.

Q Do you remember Johnson Whitmire before the war? A Yes sir.

Q About how old were you when the war came up? A I couldn't tell you -- 12 or 14 I guess.

Q Were you about Johnson Whitmire's frequently? A Yes sir, I stayed there a right smart and went to school from his house.

Q Did Johnson Whitmire have some slaves? A Yes sir.

Q Did he have a grown woman slave she had some children, by the name of Nancy, when the war came up? A Not that I remember.

Q Well, if he had had one that was old enough to be, and was the mother of some children would you have known it? A Yes sir, I think I knowed all of the older ones.

Q You didn't know one by the name of Nancy? A No sir.

Q Do you know this applicant here? A No sir.

Q Did you ever see her before? A Not that I remember.

Q Did you ever know a free colored person by the name of Charley Rowland in the country? A No sir.

Q Then, of course, you never knew his wife, Nancy? A No sir.

Q Did you say that you stayed at Johnson Whitmire's and went to school? A Yes sir.

Q Did you know Johnson Whitmire's wife and family? A Yes sir.

Q Is Watt one of the children? A Yes sir.

Q Where did you go during the war? A I went south to Red River.

Q Did you know Cornelius Wright? A Yes sir.

Q Did you see him down there? A Yes sir.

Q Was he Gale Wright's father? A Yes sir.

Q Did he carry any of Johnson Whitmire's slaves down south with him? A No sir.

Q It has been sworn that he took some of Johnson Whitmire's slaves and among them was this woman, Nancy, and this applicant. Is that true? A If he did, he didn't have them when we got to where they were.

Q You were not old enough to know a white man by the name of Dillingham, were you? A No sir.

MR. NEAL:

Q How old did you say you are? A 40 if I am not mistaken.

Q You are older than your sister? A No sir.

Q Who else was boarding down there and going to school? A Nobody but me and his boy went to school. Sometimes Aunt Temple had two sisters who stayed there and went to school.

Q When were you there? A I don't know.

Q Were you there off and on for four or five years before the war? A I don't know.

Q Did you stay there more than one year? A I went from there for two or three seasons.

- Q You never happened to be there when anybody else was boarding there? A I was there when Aunt Tempie's sisters were there. I don't remember anybody else.
- Q How many years before the war was it? A I am not able to tell you what year it was. I stayed at home some, and then I didn't get to go to school but very little.
- Q Your cousin, Cole, boarded down there and went to school didn't he? A I couldn't say whether he did or not. If he went to school from there when I did I don't remember it.
- Q You said that you were of the opinion that Johnson Whitacre had no slave by the name of Nancy who was old enough to have children at that time? A No sir.
- Q If he did you don't remember it? A No sir, I don't remember ever hearing that name called.
- Q You never knew her if she was there? A No sir, I don't remember any of the folks on the place calling me by that name.

MR. HASTINGS:

- Q If there had been one there by that name would you have known it? A Yes sir.

MR. NEAL:

- Q You would remember it all these years, would you? A I don't know, but I think I would. I remember the names of all of the older ones.

COMMISSION:

- Q Where was this school? A On Barron Park, on Pea Vine.
- Q How far from Johnson Whitacre's? A About a mile and a half.
- Q Who had this school? A An old missionary lady taught the school. I don't remember her name.
- Q Was it a kind of a convent school? A It was kept up by the Cherokee Nation. It was a public school.
- Q How far away was the nearest school to it? A I couldn't say positively just how far away. I expect it was 4 miles. I wouldn't be positive, but I expect it was that far.
- Q Was Johnson Whitacre in the habit of taking boarders to attend school? A Yes sir, and so did my father.
- Q You were convenient to the school, and the people from the neighboring vicinity sent their children over there to board and go to school? A Yes sir.

MR. NEAL:

- Q You say your father kept boarders? A Yes sir.
- Q How did it happen that you didn't board at home? A My uncle had a boy, and had nobody to go to school with him, so I was sent over to go to school with this boy.
- Q How near did your father live to the school? A About four miles, but he built a house about three quarters of a mile from the school-house where he kept the teacher and boarders.

WITNESSES EXAMINED.

(Mr. Neal — I would like that the case be held open until I can introduce one other witness, the Martha Williams who was actually sold to Billingham, and if I can get her, I will bring Susie Walkingstick.)

By consent and agreement, this case is continued to May 11, 1906, at 1:30 o'clock, P. M.

Eula Jeanes Branson, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause on the 27th day of April, 1908, and that the above and foregoing is a full and complete transcript of her stenographic notes taken in said cause on said date.

(Signed) Eula Jeanes Branson.

Subscribed and sworn to before me this 28th day of April, 1908.

SEAL

(Signed) Byron White,  
Notary Public.

Louise Smith, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy and that same is a true and complete copy of the original transcript.

*Louise Smith*

Subscribed and sworn to before me this May 10, 1908.

*H. J. Hamilton*  
Notary Public.



675.498

**FILED**  
MAY 18 1905  
COMMISSION TO FIVE TRIBES.



Cherokee Freedman-R-418 to  
431, inclusive.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Waskogee, Indian Territory, May 11, 1905.

In the matter of the application for the enrollment of  
Martha Albert et al. as Cherokee Freedmen.

Neal & Londen, attorneys for the applicants.  
Bell, Hastings & Davenport, attorneys for the Cherokee Nation.  
COMMISSION.

On this, the 11th. day of May, this cause coming on to be  
heard, the applicants appear neither in person nor by attorney.  
The Cherokee Nation, represented by W. W. Hastings, introduces  
the following testimony:

Aaron Whitmire, being duly sworn, testified as follows on  
behalf of the Cherokee Nation:

MR. HASTINGS:

- Q. Your name is Aaron Whitmire? A. Yes sir.  
Q. You are a freedman citizen of the Cherokee Nation? A. Yes  
sir.  
Q. How old are you? A. About 68.  
Q. To whom did you belong when the war came up? A. George  
Whitmire.  
Q. What relation was George to Johnson Whitmire? A. They were  
brothers.  
Q. How far apart did they live? A. About four miles when the  
war came up.  
Q. In what District? A. Going Snake.  
Q. Did they use to live together? A. Yes sir, till they  
married.  
Q. Were you familiar with Johnson Whitmire's slaves? A. Yes sir.  
Q. Did you ever know a slave that he had there by the name of Nancy  
who had Charley Bowland, a free colored man, for her husband?  
A. Yes sir.  
Q. What became of Nancy? A. She was sold to a man by the name  
of Dillingham.  
Q. What was Dillingham's citizenship? A. A citizen of the  
United States.



- Q. Where did he live? A. Right on the line of -- or close to the line of Arkansas.
- Q. Did this Nancy have any children when she was sold? A. I think she had one, is all I recollect.
- Q. What was that child's name? A. Martha.
- Q. Now, I refer to the Nancy who had a husband by the name of Charley Bowland, a free colored person? A. Yes sir, and so am I.
- Q. About how long before the war was it that she was sold to Dillingham? A. As near as I can recollect, it must have been 8 or 10 years or more.
- Q. Did Dillingham continue to live over there in Arkansas till the war came up? A. No sir.
- Q. What became of him? A. He went to Texas before the war came up.
- Q. Aaron, it has been alleged here that Johnson Whitmire had another Martha, whose mother was Dicy, and that Dicy and that Martha were sold instead of this Martha and Nancy. Did he have another woman by the name of Dicy? A. Yes sir.
- Q. Did he have her when the war came up? A. No sir, she was dead.
- Q. Did he sell her to Dillingham? A. No sir.
- Q. When did she die? A. Before the war, and before Nancy was sold.
- Q. Did Dicy have any children? A. One.
- Q. What was its name? A. Cinthy.
- Q. What became of Cinthy? A. She was sold to a man by the name of Russell, who lived in Arkansas.
- Q. About how long before the war was she sold? A. 8 or 8 years.
- Q. Did Johnson Whitmire have any other Dicy? A. No sir, never did.
- Q. Did you ever hear of his selling a Dicy to Dillingham? A. No sir.
- Q. Did you ever hear of his selling a little girl by the name of Martha, besides this one? A. No sir, this was the only Martha on the place.
- Q. Did he have a Martha when the war came up? A. No sir.
- Q. Did you ever see the applicant who gives her name as Martha Albert, who is the wife of Collie Albert? A. I haven't seen her since she was sold.
- Q. Did Charley Bowland go to Texas? A. Yes sir.
- Q. Was he in the Going Snake Country when the war came up? A. No sir, I never did see him after he went to Texas.
- Q. What became of Johnson Whitmire's slaves? Did any of them go to Texas? A. No sir.
- Q. What became of his women slaves? A. They went north.
- Q. Who took them north? A. They went off with the soldiers.
- Q. How long did you remain at the old Whitmire place? A. Till '64.
- Q. Then you went to Kansas? A. Yes sir.
- Q. Had all of Johnson Whitmire's slaves gone off north with the soldiers? A. All but two, and they were with me. They were two very old women -- Amy and Myra.
- Q. Had Cornelius Wright gone south? A. Yes sir.
- Q. He took his slaves with him? A. Yes sir.
- Q. Did Johnson Whitmire have any other Nancy or Hannie other than the one he sold to Dillingham? A. Yes sir, he had a little girl called Nannie.
- Q. Who was her mother? A. Sookkey.
- Q. What was sookkey's name? A. Smith.
- Q. What was her husband's name? A. Mose Smith. He is dead.
- Q. Where does she live? A. Up here on Big Creek in Coowees-coowee District.

COMMISSION:

- 2--
- Q. How many slaves did Johnson Whitmire have at the beginning of the war? A. He had some 20 or 25.
- Q. Can you give their names? A. I could name the old ones.
- Q. Give me the names? A. The first old woman was Amy, Myra, Hannah, Sockey, Kizzy, Mike, Dick, Martin, Mose, Saphronie, Rachel, Charlotte, Liza, Aby, Frank, Nannie. That is about all I can recollect.
- Q. These are all the older ones? A. Yes sir.
- Q. The younger ones you do not remember? A. I cannot recollect them.
- Q. How many of these slaves do you know of that are living now, of these 15 or 16 you have just named? A. I don't know of but two that are living.
- Q. Where are they? A. Up on Big Creek.
- Q. What are their names? A. Nannie Smith and Frank Whitmire.
- Q. Where does Frank live? A. On Big Creek.
- Q. How old a man is he? A. I don't know just how old a man he is -- right at 60 I guess.
- Q. Do you know Martha Williams? A. No sir.
- Q. Are you positive now that at the breaking out of the war Johnson Whitmire did not have a slave by the name of Martha? A. Yes sir.
- Q. Do you know whether he had a child slave by that name? A. No sir, there was not one by the name of Martha.
- Q. You know that of your own knowledge? A. Yes sir.
- Q. You mentioned in your testimony about a Nancy who had a daughter called Martha, and that they were sold to Billingham. Have you ever seen them since that time? A. I never have.
- Q. Do you know who this applicant is -- have you seen her? A. I don't know that I would know Martha if I saw her.
- Q. How far do you live from Fort Smith? A. I live away up near the Kansas line.
- Q. Did you say you knew Charley Rowland? A. Well.
- Q. Was he a free colored person? A. Yes sir.
- Q. And you know that he married one of Johnson Whitmire's slaves named Nancy? A. Yes sir.
- Q. You cannot be mistaken about that? A. No sir.

WITNESS EXCUSED.

#### COMMISSION:

After the introduction of the above testimony by the Cherokee Nation, the attorneys for the applicants appeared, by their stenographer, Miss Sorensen, and filed with the Commission a motion for continuance.

#### MR. HASTINGS:

The attorneys for the Cherokee Nation object to the motion for continuance, filed in this case, for a number of reasons, to-wit:

FIRST:-- This case has been continued a number of times upon motion and at the request of the applicants;

SECOND: -- The motion for continuance is not sworn to;

THIRD: -- The motion for continuance does not set up what is expected to be proven by the said Martha Williams, but only states

that she is an important witness, and does not state what is expected to be proven by her, so that the Commission can pass upon the materiality and admissibility of the testimony;

FOURTH: -- Because the certificate of the attending physician is not sworn to.

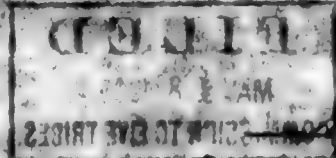
COMMISSION:

The motion for continuance will be taken under advisement, and the attorneys will be notified by mail.

Edna Jeanne Branson, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause on the 11th day of May, 1906, and that the above and foregoing is a full and complete transcript of her stenographic notes taken in said cause on said date.

*Edna Jeanne Branson*

Subscribed and sworn to before me this the 17th day of May, 1906.



Notary Public.



A. J. No.  
D. C. L.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES;

In the matter of the application for the enrollment of  
Martha Albert et al., as Cherokee freedmen, consolidating the  
applications of:

|                       |                   |         |       |
|-----------------------|-------------------|---------|-------|
| Martha Albert et al.  | Cherokee Freedmen | (D 42)  | R 418 |
| Robert Barnes         | "                 | (D 99)  | R 419 |
| Lula Knalls et al.,   | "                 | (D 100) | R 420 |
| Nancy Berkum et al.   | "                 | (D 101) | R 421 |
| Henry Albert et al.   | "                 | (D 102) | R 422 |
| John Barnes et al.,   | "                 | (D 103) | R 423 |
| Jerry Albert          | "                 | (D 104) | R 424 |
| Lillie White et al.,  | "                 | (D 105) | R 425 |
| Malinda McLain et al. | "                 | (D 114) | R 426 |
| Frank Gardner         | "                 | (D 146) | R 430 |
| Joshua Barnes         | "                 | (D 150) | R 427 |
| Sarah Brown et al.    | "                 | (D 151) | R 428 |
| Minnie Barnes         | "                 | (D 152) | R 429 |
| Maggie Bell et al.,   | "                 | (D 182) | R 431 |

D E C I S I O N .

THE RECORDS OF THIS OFFICE SHOW: That applications for enrollment as Cherokee Freedmen were made to the Commission to the Five Civilized Tribes by Martha Albert for herself and minor children, Elijah and Ida Albert; by Robert Barnes for himself; by Lula Knalls for herself and minor children, Sarah French and Fred E. Knalls; by Nancy Berkum for herself and minor children, Annie and Walter Berkum; by Henry Albert for himself and minor

children, Harry and Raymond Albert, thereafter, on October 31, 1902, there was filed with the Commission an affidavit showing the birth, on June 4, 1902, of Levey Albert, son of the applicant, Henry Albert; by John Barnes for himself and minor child, Gussie A. Barnes, thereafter, on August 20, 1902, there was filed with the Commission an affidavit showing the birth, on June 15, 1902, of John A. Barnes, son of the applicant, John Barnes; by Jerry Albert for himself; by Lillie White for herself and minor children, Mattie and Nancy White, thereafter, on July 1, 1902, there was filed with the Commission an affidavit showing the birth, on March 8, 1902, of Amos White, son of the applicant, Lillie White; by Charles McLain for his wife, Malinda McLain, and minor children, Samuel, Ella, Christiana, Charles, Turner and Jennetta McLain, thereafter, on September 1, 1901, there was filed with the Commission an affidavit showing the birth, on May 17, 1901, of Mattie McLain, daughter of the applicant, Malinda McLain; by Frank Gardner for himself; by Joshua Barnes for himself; by Sarah Brown for herself and minor child, Maggie Williams; by Minnie Barnes for herself; and by George C. Bell for his wife, Maggie Bell, thereafter, on November 7, 1901, there was filed with the Commission an affidavit showing the birth, on September 18, 1901, of George L. Bell, son of the applicant, Maggie Bell.

THE RECORDS FURTHER SHOW: That on January 11, 1904, the Commission rendered its decision herein, denying said applicants, except Mattie McLain, whose rights to enrollment, through an oversight, were not considered, the right to enrollment as Cherokee freedmen, and that on June 21, 1904 (Departmental letter I.T.D. 4732-04), said decision was duly affirmed by the Department; that, thereafter, on March 28, 1905 (Departmental letter I.T.D. 1332-05), on motion of the applicants, this case was reopened by the Department, and remanded for further testimony and readjudication; and that, thereafter, on April 13, and 27, and May 11, and June 22, 1905, further proceedings in the matter of said applications were had at Muskogee, Indian Territory.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant, Martha Albert, claims the right to enrollment as a Cherokee freedman by virtue of her compliance with the treaty stipulations of 1866, and that all the other applicants herein claim the same right as descendants of the said Martha Albert and one Jennie Barnes, deceased, who, it is alleged, complied with said treaty stipulations of 1866.

The following points are fully established by the evidence, no attempt having been made to disprove them:



(1) That the applicant, Martha Albert, and the said Jennie Barnes, deceased, were full sisters, and were born prior to the commencement of the rebellion.

(2) That all the other applicants herein were born since the commencement of the rebellion, are lineal descendants of the applicant, Martha Albert, and the said Jennie Barnes, deceased, and possess no rights to enrollment as Cherokee freedmen other than as such descendants.

(The records of this office fail to show that Ruth Barnes, mother of the applicants, Gussie A. and John A. Barnes, has ever made application for enrollment as a Cherokee freedman. Her mother, Willie White, and full sister, Viola White, and full brothers, Jim H. and Harry White, were originally listed for enrollment as Cherokee freedmen on Memorandum cards Nos. 10, 13, and 14, and were later transferred to Freedmen Rejected cards, Nos. 317, 320 and 321. On April 24, 1905, their applications for enrollment as Cherokee freedmen were denied by the Commission, and record forwarded to the Department.

George C. Bell, father of the minor applicant, George I. Bell, was denied enrollment as a Cherokee freedman, by the Commission, on April 20, 1904, and on May 26, 1904, -Departmental letter I.T.D. 4050-04, -the Commission's decision was approved by the Department).

THE EVIDENCE IN THIS CASE FURTHER SHOWS: That the applicant, Martha Albert, and the said Jennie Barnes, deceased, were neither the slaves of a Cherokee citizen, nor free colored persons residing in the Cherokee country at the commencement of the rebellion, but, rather, that several years prior to the commencement of said rebellion, they, together with their mother "Nancy", were sold to one Dillingham, a citizen of the United States, were removed from the Cherokee Nation, and it is further shown that they did not return to said Nation on or prior to February 11, 1867. Excepting the Wallace and Kern-Clifton Rolls, none of the applicants herein can be identified on any roll of the Cherokee Nation in the possession of this office.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), Martha Albert, Elijah Albert, Ida Albert, Robert Barnes, Lula Knalls, Sarah French, Fred E. Knalls, Nancy Borkum, Annie Borkum, Walter Borkum, Henry Albert, Harry Albert, Raymond Albert, Lewis Albert, John Barnes, Gussie A.

Barnes, John A. Barnes, Jerry Albert, Lillie White, Mattie White,  
Amos White, Amos White, Melinda McLain, Samuel McLain, Ella McLain,  
Christiana McLain, Charles McLain, Emma McLain, Fannette McLain,  
Nellie McLain, Frank Gardner, John Gardner, Sarah Brown, Maggie  
Williams, Minnie Barnes, Maggie Hall and George L. Hall are not  
entitled to enrollment as Cherokee freedmen, and their applications  
for enrollment as such are accordingly denied.

\_\_\_\_\_  
Commissioner

Dated at Muskogee, Indian Territory,  
this \_\_\_\_\_

K

19

# **NOTICE.**

## **Cherokee - Freedmen - Enrollment.**

The Commission to the Five Civilized Tribes will continue in session at

### **MUSKOGEE, IND. TER.,**

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Sarah Brown,

Benge, I.T.  
Cherokee F-D-151.  
Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Cherokee Freedmen

R-428.

Muskogee, Indian Territory, September 12, 1904.

Sarah Brown,

Benge, Indian Territory.

Dear Madam:

The Commission is in receipt, by reference from the Secretary of the Interior, of your letter of August 16, asking to be informed as to the status of your application for enrollment as a Cherokee freedman, and also if there has been an appropriation made by Congress to pay for improvements belonging to rejected claimants.

In reply you are advised that on June 28, 1904, the Commission advised you that their decision, dated January 11, 1904, rejecting, among others, your application for the enrollment of yourself and minor child, Maggie Williams, as Cherokee freedmen, was affirmed by the Secretary of the Interior on June 21, 1904. You are further advised that no provision has been made by law for reimbursing rejected claimants for their improvements.

Respectfully,

Chairman.



COPY.

Cherokee Freedmen.  
R-428.

Muskogee, Indian Territory, September 23, 1904.

Sarah Brown,

Benge, Indian Territory.

Dear Madam:

The Commission is in receipt, by reference from the Secretary of the Interior, of your letter of September 5, 1904, relative to your enrollment as a Cherokee freedman.

In reply you are advised that the Commission's decision, dated January 11, 1904, rejecting the application for the enrollment of yourself and your minor daughter, Maggie Williams, was approved by the Secretary of the Interior on June 21, 1904. You are further advised that the Commission notified you, on June 28, 1904, of the Department's action in this case.

Respectfully,

(SIGNED).

*Tame Bixby.*  
Chairman.

W. C. F.  
JHE.

DEPARTMENT OF THE INTERIOR,

D. C. 16472-1906  
I. T. D. 1833-1906.

WASHINGTON. March 25, 1906.

Commission to the Five Civilized Tribes,  
Muskegee, Indian Territory.

Gentlemen:

The Department has considered a motion filed by attorneys Neal and London, of Fort Smith, Arkansas, dated December 10, 1904, to reopen the Cherokee enrollment case of Martha Albert, et al.

January 11, 1904, you decided that the applicants in said case were not entitled to enrollment, and on June 21, 1904, your decision was approved by the Department.

The attorneys desire the case reopened in order that newly discovered evidence may be introduced to show that previous to the breaking out of the war Johnson Whitmire owned two slaves by the name of Martha; that prior to the breaking out of the war one of said slaves was sold to a man named Billingham who lived in Arkansas; that she married a man named Williams; that the other Martha, known as "Little Martha", who is one of the applicants in the case of Martha Albert, et al, married a man named Albert who lived in the Cherokee Nation. It is claimed by said attorneys that the evidence introduced by the Cherokee

-2-  
Motion at the original hearing does not apply to the applicant herein.

It appears from the motion and the affidavits submitted that the case should be reopened. The motion is hereby granted. You will so notify the applicants and their attorneys and the attorney for the Cherokee Nation, and allow a reasonable time for the introduction of additional testimony, after which you will readjudicate the case.

The motion, the record and other papers in the case are inclosed.

Respectfully,

(Signed) E. A. Hitchcock

Secretary.

6 inclosures.

COPY.

Cherokee Freedmen

R-428.

Muskogee, Indian Territory, April 8, 1905.

Sarah Brown,

Benge, Indian Territory.

Dear Madam:

In the matter of the application for the enrollment of yourself, et al., as Cherokee freedmen, you are advised that the Commission is in receipt of departmental letter of March 25, 1905 (I.T.D. 1332-1905), remanding this case for rehearing and readjudication.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, April 20, 1905, and introduce such testimony as you may desire in the matter of your said application. You are further advised that the Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in this case.

For your information there is herewith inclosed a copy of departmental letter referred to.

Respectfully,

Incl. S-59  
Register.

(SIGNED)

*T. B. Needles.*  
Commissioner in Charge.

COPY.

Cherokee Freedmen

N-418, et al.

Muskogee, Indian Territory, April 6, 1905.

Neal & Landon,

Attorneys for Martha Albert, et al.,

Fort Smith, Arkansas.

Gentlemen:

In the matter of the applications for the enrollment of Martha Albert, et al., as Cherokee freedmen, you are advised that the Commission is in receipt of departmental letter of March 25, 1905 (I.T.D. 1332-1905), remanding this case for rehearing and readjudication.

The applicants have, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, April 20, 1905, and introduce such testimony as they may desire in support of their said applications. You are advised that the Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in these cases.

For your information there is herewith inclosed a copy of departmental letter referred to.

Respectfully,

Incl. 8-63.  
Register.

(SIGNED) *T. B. Needles.*  
Commissioner in Charge.



COPY.

Cherokee Freedmen

B-418, et al.

Muskogee, Indian Territory, April 8, 1905.

Ball, Hastings & Davenport,  
Attorneys for the Cherokee Nation,  
Muskogee, Indian Territory.

Continued:

In the matter of the applications for the enrollment of Martha Albert, et al., as Cherokee freedmen, you are advised that this Commission is in receipt of departmental letter of March 28, 1905 (I.T.D. 1850-1905), remanding this case for rehearing and readjudication.

The applicants have, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, April 20, 1905, and introduce such testimony as they may desire in support of their said applications. You are advised that the Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in these cases.

For your information there is herewith inclosed a copy of departmental letter referred to.

Respectfully,

(SIGNED) *T. B. Needles.*

Commissioner in Charge.

Incl. S-62

Cherokee Freedmen  
R 414 et al.

COPY.

Muskogee, Indian Territory, July 24, 1905

Ball, Hastings and Barent, Jr.,  
Attorneys for the Cherokee Nation,  
Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith the decision of the Commissioner to the Five Civilized Tribes, dated July 24, 1905, rejecting the applicants for enrollment as Cherokee Freedmen embraced in the consolidated cases of Martha Albert et al., C.F.R. 416, Robert Barnes, C.F.R. 419, Lula Knalls et al., C.F.R. 420, Nancy Barkun et al., C.F.R. 425, Henry Albert et al., C.F.R. 421, John Barnes et al., C.F.R. 422, Jerry Albert, C.F.R. 425, Lillie White et al., C.F.R. 424, Malinda Molain et al., C.F.R. 426, Frank Gardner, C.F.R. 420, Joshua Barnes C.F.R. 427, Sarah Brown et al., C.F.R. 428, Minnie Barnes, C.F.R. 429, and Maggie Bell et al., C.F.R. 431. You have heretofore been furnished with a copy of the record of proceedings.

Hall, Hastings & Savenport--2

The decision, with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED:

*Terne Pirby*

Commissioner

Incl. B-25

Cherokee Freedmen  
N 418 et al.

COPY.

Mustang, Indian Territory, July 24, 1906

Neal and London,

Attorneys for Martha Albert, et al.,  
Fort Smith, Arkansas.

Gentlemen:

There is inclosed herewith the decision of the  
Commissioner to the Five Civilized Tribes, dated July 26,  
1906, rejecting the applicants for enrollment as Cherokee  
Freedmen embraced in the consolidated cases of Martha Albert  
et al., C.F.R. 418, Robert Barnes, C.F.R. 419, Lela Knalls,  
et al., C.F.R. 420, Henry Perkins et al., C.F.R. 422, Henry  
Albert et al., C.F.R. 421, John Barnes et al., C.F.R. 422,  
Jerry Albert, C.F.R. 423, Lillie White, et al., C.F.R. 424,  
Malinda Melain et al., C.F.R. 426, Frank Gardner, C.F.R. 430,  
Joshua Barnes, C.F.R. 427, Sarah Brown et al., C.F.R. 428,  
Ninnie Barnes, C.F.R., 429, and Maggie Bell et al., C.F.R.  
431. You have heretofore been furnished with a copy of  
the record of proceedings.

Neal and London--A.

The decision, with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED: *Lewis Pixie*  
Commissioner

Incl. B-15



COPY.

Cherokee Freedmen R 418 et al

Waskagee, Indian Territory, July 24, 1906

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the applications for the enrollment as Cherokee Freedmen of Martha Albert, Elijah Albert, Ida Albert, Robert Barnes, Lula Knalls, Sarah French, Fred E. Knalls, Nancy Berkum, Annie Berkum, Walter Berkum Henry Albert, Harry Albert, Raymond Albert, Levey Albert, John Barnes, Cassie A. Barnes, John A. Barnes, Jerry Albert, Lillie White, Mattie White, Nancy White, Anes White, Malinda McLain, Samuel McLain, Ella McLain, Christiana McLain, Charles McLain, Turner McLain, Jennette McLain, Mattie McLain, Frank Gardner, Joshua Barnes, Sarah Brown, Maggie Williams, Minnie Barnes, Maggie Bell and George L. Bell, including the decision of the Commissioner to the Five Civilized Tribes dated July 24, 1906, rejecting said applications.

On January 11, 1904, the Commission to the Five Civilized Tribes rendered its decision denying said applicants,

concerning Little McKain, whose rights to citizenship were not at that time considered, and on June 22, 1904 (I.T.B. 5730-1904), said decision was affirmed by the Department. On March 22, 1905 (I.T.B. 1212-1905), this case was re-opened by the Department, and forwarded for further hearing and consideration.

Respectfully,

Yours truly,

*Tamm E. B. C.*

Commissioner

Through the

Commissioner of Indian Affairs,

Cherokee Freedman  
B 428

COPY.

Muskogee, Indian Territory, July 24, 1908

Sarah Brown,

Wetumpka, Indian Territory.

Dear Madam:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated July 24, 1908, denying your application for the enrollment of yourself and child, Maggie Williams, as Cherokee freedmen. There has heretofore been furnished your attorneys, Neal and London, Fort Smith, Arkansas, a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commissioner's decision.

The decision, with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

(SIGNED) *Tams Dixby.*

Incl. B-12

Commissioner

Cherokee Freedman  
# 429

COPY.

Muskogee, Indian Territory, July 24, 1905

Minnie Barnes,

Benge, Indian Territory.

Dear Madam:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes dated July 24, 1905, denying your application for enrollment as a Cherokee freedman. There has heretofore been furnished your attorneys, Neal and London, Fort Smith, Arkansas, a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commissioner's decision.

The decision, with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED.

*Tamie Birby.*

Commissioner

Incl. B-33

LANDS  
59345-1908.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

August 12, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes, dated July 24, 1908, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Martha Albert for herself and her minor children, Elijah and Ida Albert; by Robert Barnes for himself; by Lula Knalls for herself and her minor children, Sarah French and Fred M. Knalls; by Nancy Dorkum for herself and her minor children, Annie and Walter Dorkum; by Henry Albert for himself and his minor children, Harry, Raymond and Levey Albert; by John Barnes for himself and minor children, Gessie A. and John A. Barnes; by Jerry Albert for himself; by Lillie White for herself and her minor children, Mattie, Nancy, and Anas White; by Charles McClain for his wife, Malinda McClain, and his minor children, Samuel, Ella, Christiana, Charles, Turner, Jennetta and Mattie McClain; by Frank Gardner for himself; by Joshua Barnes for himself; by Sarah Brown for herself and minor child, Maggie Williams; by Minnie Barnes for herself, and by George C. Bell for his wife, Maggie Bell, and his minor child, George L. Bell.



July 24, 1905, the Commission decided adversely to all the applicants.

The record shows that on January 11, 1904, the Commission rendered a decision denying these applicants, except Mattie McLain inadvertently omitted, and that on June 21, 1904, the decision was affirmed by the Department; that thereafter, on March 21, 1905 (I.T.D. 1332-1905) the Department reopened and remanded the case for further testimony and readjudication.

The record further shows that the applicant, Martha Albert and Jennie Barnes, deceased, were full sisters, and were born prior to the beginning of the war of the rebellion; that all the other applicants were born since the beginning of the war, are lineal descendants of the applicant, Martha Albert and Jennie Barnes, deceased, and possess no rights to enrollment other than as such descendants.

It is further shown that the applicant, Martha Albert and Jennie Barnes, deceased, were neither the slaves of a Cherokee citizen, nor free colored persons residing in the Cherokee country at the beginning of the war of the rebellion, and that they did not return to the Cherokee Nation on or before February 11, 1867.

Excepting the Wallace and Kern-Clifton, none of the applicants is identified on any roll of the Cherokee Nation.

In view of the record the approval of the Commission's decision adverse to all of the applicants is recommended.

Very respectfully,  
C. F. Larrabee,  
Acting Commissioner.

H.M.M.  
V.

-COPY-

C.R.

DEPARTMENT OF THE INTERIOR, I.D.

WASHINGTON.

D.C. 23050,  
I.F.D. 4710-1904,  
1110-1904,  
6780-  
10200-

June 2, 1906.

L.R.E.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

July 24, 1905, you transmitted the resumed record with your readjudication in the matter of the consolidated applications for the enrollment of Martha Albert et al. as Cherokee freedmen, including your decision of same date, adverse to all the applicants.

August 12, 1905, the Acting Commissioner of Indian Affairs reporting thereon, recommended that your decision dated July 24, 1905, adverse to all the applicants named in his said letter, be approved. A copy of his letter, including the names of applicants affected by this decision, is inclosed.

The Department concurs in the recommendation made and your decision dated July 24, 1905, denying the application for the enrollment of Martha Albert and others named in Indian Office letter of August 12, 1905, is hereby affirmed.

A motion for review of said decision filed with the Department on September 7, 1905, by Messrs. Elue & Balger and

McGowan, Brown & Wilson, attorneys for moving picture theatre,  
is hereby notified.

Respectfully,

Joseph E. Wilson,

Assistant Secretary.

I am, Sir,

Cherokee Freedman

R 428

COPY.

Muskogee, Indian Territory, June 18, 1906.

Sarah Brown,

Benge, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes dated July 24, 1905, rejecting, among others, your application for the enrollment of yourself and child as Cherokee freedmen, was affirmed by the Secretary of the Interior June 8, 1906, and that a motion for review of your case filed September 7, 1905, is denied.

Respectfully,

SIGNED,

*Jane Bixby.*  
Commissioner.

MMP

COPY.

Cherokee Freedmen

2-415

Waukegon, Indian Territory, June 18, 1906.

Blue & Bulger,

Attorneys for Martha Albert,

Baxter Springs, Kansas.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes dated July 26, 1905, rejecting the applications of Martha Albert et al, for enrollment as Cherokee freedmen, was affirmed by the Secretary of the Interior June 2, 1906, and that the motion filed by you September 7, 1905, for a review of said case is denied.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

CHOWEN

Jane Bixby.

Commissioner.

Incl.F-17

MBP



Cherokee Freedmen  
R 418

COPY.

Waskagee, Indian Territory, June 15, 1906.

Neal & Landon,

Attorneys for Martha Albert,

Ft. Smith, Arkansas.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes dated July 24, 1905, rejecting the applications of Martha Albert et al, for enrollment as Cherokee freedmen, was affirmed by the Secretary of the Interior June 2, 1906, and that a motion filed September 7, 1905, for a review of said case is denied.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

(SIGNED)

Jame Bixby.  
Commissioner.

Incl. P-15  
MBP

Cherokee Freed-  
man S 414

COPY.

Muskogee, Indian Territory, June 15, 1906.

Bell, Hastings & Davenport,  
Attorneys for Cherokee Nation,  
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes dated July 24, 1905, rejecting the applications of Martha Albert et al, for enrollment as Cherokee freedmen, was affirmed by the Secretary of the Interior June 2, 1906, and that a motion filed September 7, 1905, for a review of said case is denied.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

(SIGNED)

James Dixby.  
Commissioner.

Incl. P-16  
MDP

Cher. Fr. R-429

See Cher. Fr. R-418 To R428 inc., R-430, 431

Cher. Fr. R-429

2

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

APR 26 1901

ARTHUR SULLIVAN

45152

To be filed with case of Minnie Barnes,  
Cherokee Freedman, D-152.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Ft. Gibson, I.T., April 18, 1901.

In the matter of the application of Robert Barnes for the enrollment of himself as a Cherokee Freedman; being sworn and examined by Commissioner Breckinridge, he testified as follows:

\* \* \* \* \*

Martha Albert, being sworn and examined by Commissioner Breckinridge, testified as follows:

- Q Give your name there please? A Martha Albert.  
Q How old are you? A I am about 57 or 8 years old.  
Q What is your post-office? A Melvin.  
Q In what district do you live? A Live in Tahlequah District.  
Q You want to give some evidence here in the application of Robert Barnes don't you for enrollment? A Yes, sir.  
Q You have made an application for yourself and two children?  
A Yes, sir.  
Com'r: This is D-48.  
Q A trouble in your own application appeared to be to establish when you came back to the Cherokee Nation after the war.  
A I came back here two months before the '68 treaty went off.  
Q You ~~was~~ know Robert Barnes do you? A Yes, sir.  
Q How long have you known him? A I have known him ever since he has been born; he was my sister's child.  
Q Child of your sister Jennie? A Yes, sir.  
A She belonged to Johnson Whitmire? A Yes, sir.  
Q Were you and she taken out of the Cherokee Nation during the war? A We went to Red River in the Choctaw Nation.  
Q You didn't go across the river? A No sir, we never crossed into Texas.  
Q Was your sister there with you? A Yes, sir.  
Q And both of you belonged at that time to Johnson Whitmire, did you? A Yes, sir.  
Q Well, did she come back with you? A Yes, sir.  
Q Johnson Whitmire brought you both back? A No sir, my father brought us back.  
Q You and your sister came back together? A Yes, sir.  
Q What was the father doing down there? A Well we went south.  
Q Was he working down there? A Yes, sir.  
Q On a plantation? A Yes, sir, he was a free man; he always just dug wells around for people.  
Q Your father was a Free man? A Yes, sir.  
Q But your mother was a slave? A Yes, sir.  
Q Did she come back with you and your sister? A Yes, sir.  
Q What business did you say your father did? A He dug wells and worked around for people.  
Q And he brought your mother and both of you back? A Yes, sir.  
Q In what year did he bring you and your sister? A 1866 when I came back here.  
Q What time of the year was it? A It was in the fall of the year.  
Q Where did your sister locate when she came back? A She located down here close to Cherokee Junction.  
Q Were you in the same neighborhood with her? A Yes sir, right in the same year.  
Q Were you on a plantation or about the town? A I was on Gale Starr's place.  
Q On a farm? A Yes, sir.  
Q He is now living now, Gale Starr, is he? A I don't know.  
Q Any of his children living? A I don't know.  
Q Is his wife living? A I don't know that, neither, I have been living in Sequoyah.  
Q Are there any of the people who were living there on that place ~~was~~ at that time living now? A No, sir, not on that place; there wasn't



no one there but us working the farm, rented the place.

Q You and your sister were on that place? A Yes, sir.

Q But there were no colored people on it but just you and your people? A Yes, sir.

Q Well now how many people were in your family at that time, your and your sister and who else? A No and my sister and our husbands.

Q Was your husband then living, Sam Barnes? A Yes, sir.

Q And your husband, is he living? A Yes, sir.

Q Has your husband testified in your case? A No, sir.

Q Why didn't you bring your husband? A He is in here somewhere.

Q Your sister's husband is not here is he? A No, sir.

Q Did your husband go around the country digging wells after he got back? A My father.

Q Was he with you when you got back? A Yes, sir, brought us back.

Q Did he go around the country digging wells? A No, sir, didn't dig any wells after he got back.

Q What else did he do? A He farmed.

Q Was he living with you there on Mr. Starr's place? A Yes, sir.

Q Your father is dead now? A Yes, sir.

Q Who had farms there in that neighborhood? A Old Uncle Jack Campbell.

Q Is he alive? A No, sir, he is dead.

Q Anybody else? A Yes, sir, Dave Cheate had a place right there joining.

Q Named Chouteau? A Named Cheate, Cherokee.

Q Is he living? A I don't know.

Q Do you know anybody who is living now that was living in that neighborhood there and knew you all? A Yes, sir.

Q Well give their names? A Eliza Franklin, it aint Franklin now; that was her name when I knew her; her name is Eliza McGrady now.

Q Is she about the room now? A No, sir, she is living down in Sequoyah; she is a Cherokee.

Examined by Cherokee Representative, W. W. Hastings:

Q Where were you married? A We married in slavery time; we married in the Choctaw Nation.

Q Your husband came back with you also? A Yes, sir.

Q I thought you said your father brought you back? A Well, my father was the leading one brought us back.

Q Where was your sister married? A She was married here under the Cherokee law.

Q She wasn't married down there? A No, sir.

Q Her husband didn't come back with her? A No, sir.

Q Where was Robert Barnes? A Down in Sequoyah.

Q On what place? A Right there on the Gale Starr place.

Q How far from Ft. Smith? A About four miles.

Q And by the river, on this side? A Yes, sir.

Q You say Gale Starr was living there at the time? A No, sir, old man Ellis Harlin was living there.

Q He had a family? A Yes, sir.

Q One of them named Emma? A Yes, sir.

Q She was living there? A Yes, sir.

Q Another one named Ruth? A That's right.

Q She was living there at that time? A Yes, sir. And a boy named Ooe.

Q And Ooe was living there at that time? A Yes, sir.

Q He knew your people now? A Yes, sir.

Examined by Commissioner Breckinridge:

Q How many children have you? A I have got six.

Q Where was your oldest child born? A Born in Sequoyah.

Q After you got back after the war? A Yes, sir.

Q How old is that child? A About 27 years old.

Q How long had you been married down in the Choctaw Nation when you got back? A We married time of the war.

- Q Along towards the last of the war? A Yes, sir.
- Q How long had you been married when your oldest child was born?
- A I couldn't go to work to tell you about that.
- Q How long had you been back here when your oldest child was born?
- A She was born in '67.
- Q How long had she been back here when she was born? A Well, I say she was born in '67.
- Q Who attended on you at the time of the birth of that child?
- A The woman who attended on me is dead, Nandy Benton's mother.
- Q Some of the old people living who remember when that child was born? A No, sir, none that I know of; there wasn't no colored folks in there hardly then.
- Q You don't remember how long you had been back in the Cherokee Nation when that child was born? A Yes, sir.
- Q How long? A She was born in '67.
- Q I didn't ask you what year she was born in, I asked you how long you had been in the Cherokee Nation when that child was born?
- A Well I tell you she was born the year after I come back here.
- Q The next year after you got back? A Yes sir.
- Q Was the child born in the spring, summer or fall? A Born in January.
- Q And what time of the year was it you got here? A I got here in the fall of 1866.
- Q In the fall before the January this child was born? A Yes, sir.

Golly Albert, being sworn and examined by Commissioner

Breckinridge, testified as follows:

- Q Give me your full name? A Golly Albert, is the way I always sign my name.
- Q How old are you? A I am 31.
- Q What is your post-office? A Melvin.
- Q In what district do you live? A I live in Illinois District.
- Q You want to give some testimony in the case of Robert Barnes do you, who has applies for enrollment? A Well, I can give some.
- Q Well you are not here to apply for your own enrollment are you.
- A No, sir, not now; not at present.
- Q Are you the husband of Martha Albert? A Yes, sir.
- (Comr: Her case is D-42.)
- Q Do you know Robert Barnes? A Yes, sir.
- Q How long have you known him? A I have been knowing him ever since he was born.
- Q How long have you lived in the Cherokee Nation? A I have been raised and born here in the Cherokee Nation.
- Q Were you a slave in old times? A Yes, sir.
- Q To whom did you belong? A Old lady Bushyhead, Nancy.
- Q Where were you during the war? A I was down on Red River.
- Q In the Choctaw Nation? A Yes, sir.
- Q Where did you live before that, on Nancy Bushyhead's place?
- A Yes, sir.
- Q In what district was that? A In Goingsnake District.
- Q You married your wife, Martha, down there did you, on Red River?
- A No, sir, I married her after I come back; I lived with her but I didn't marry her until after we come back to the Cherokee Nation.
- Q How long after you came back to the Cherokee Nation was it before you and she married? A About three years I guess; I joined the church and they wouldn't let me live in the church until I married.
- Q Did you and she have any children until after you were married?
- A Yes, sir, she had two.
- Q Two before you were married? A Yes, sir.
- Q That is, before you were married the way the church made you marry? A Yes, sir.
- Q You knew your wife's sister, Jennie? A Yes, sir.
- Q She was married to Sam Barnes, was she? A Yes, sir.
- Q Did you come back with your wife after the war when she came from the Choctaw Nation? A I come a little ahead of her; a few days.

Q Just a few days? A Yes, sir, she came with her father.  
Q Did her sister Jennie come with her? A Yes, sir.  
Q She and your wife came together? A Yes, sir.  
Q Her sister Jennie was the mother of this Robert Barnes? A Yes,

sir.  
Q What were you doing down there in the Choctaw Nation, farming?  
A Yes, sir, worked on the farms a little.  
Q Well were you working on a farm all the time, weren't you? A Well sometimes I was driving a team.

Q Did you make a crop of cotton? A No, sir, corn crop.  
Q Where did you locate when you came back from the Choctaw Nation?  
A Near Cherokee Station there on Caleb Starr's place.

Q What time of the year was it you got back there? A It was along in August sometime in August, I disremember just what day in August it was, but we got back there in August.

Q You think that was in what year? A 1864.

Q What fixes that on your mind? A Well, I kept count of how long the war ran on; I knowed what year the war come in on.

Q How long had the war been closed when you came back? A I come back next spring after the war closed.

Q You fixed it on your mind that way? A Yes, sir, that's the way it was.

Q You know this woman Jennie Barnes, mother of Robert Barnes, whom did she belong to before the war? A I don't know who she belonged to; I know who they always said she belonged to; she belonged to some man my wife did.

Q What was his name? A Johnson Whitmore; I never got personally acquainted with them until I got down there on Red River.

Q Was Jennie Barnes older or younger than your wife? A She was youngest, her mother and father said.

Q Was she married there in the Choctaw Nation? A No, sir, I don't think she was until we come back to the Cherokee Nation I think.

Q Married after she got back? A Yes, sir; As well as I recollect that's what they told me; I wasn't there when they married.

Q But you were seeing them all the time weren't you? A Yes, sir.

Q Did you see her very soon after she was said to have been married? A She staid staid there with me a while on the Caleb Starr place.

Q Where were you when she married? A I was on the Caleb Starr place.

Q Where was she when she married? A She was over in Ft. Smith, I think, hired out.

Q And there is where she married Sam Barnes? A Yes, sir, I think so.

Q How long was that after you had got back from the Choctaw Nation? A It was about one year I think, not quite a year; it was about six months.

Q She staid with you a while on the Starr place and then hired to do some work over at Ft. Smith and there married? A Yes, sir.

Q And where did she live after that? A Lived up on Lee's Creek there close by me.

Q How long did she stay at Ft. Smith? A I don't know exactly; not very long though; I don't recollect now just how long it was.

Q How long had she been married before you saw her; how long was it after she married that you saw her? A It was about two or three months I guess.

Q You saw her two or three months after she was married? A Yes, sir.

Q Where did you see her? A ~~XXXXXXXXXX~~ She came over to my house there on a visit; on the Caleb Starr place.

Q What Creek was that you say she lived on at one time? A Lee's Creek.

Q How long had she been married when she began living on Lee's Creek?

Q She has been married as well as I can recollect, then about four or five years.

Q And she had quite work in Ft. Smith then had she, and gone to live on Lee's Creek? A Yes, sir.

Q What was he doing all that time? A Why he was farming he went to farming after he come over into the Cherokee Nation.



Q But during that four or five years before he lived on Lee's Creek, you don't know what he was doing do you? A Yes, sir, he moved over there and was hired out.

Q Moved over where? A The other side of Ft. Smith in the coal bank.

Q He worked there until he moved up on Lee's Creek? A Yes, sir.

Q Now Sam Barnes, her husband, he makes no claim for himself as a Cherokee Freedman? A No, sir, none as I ever known of.

Q He was working for wages up there about the coal bank I suppose? A Yes, sir.

Q And after working there four or five years he then moved up on Lees Creek and went to farming? A Yes, sir, he was living over here when he was working in the bank; he had moved before he went to work over there.

Q What was his wife doing all that time when he was working at the coal bank? A She was working in the field there with me and my folks; they lived about three or four hundred yards from me.

Q You said just now she had come from over there up to Lees' Creek? A She did after they were married.

Q You said she came up there four or five years after they were married, and now you say she had come before that and lived with you; which one of these can I rely on? A I said about five years he lived over here and went back to work the other side of Ft. Smith about five years after he was married.

Q He went back there about five years after he was married, to work? A Yes, sir.

Q Well then how long did he live over there after that? A After he had moved over there?

Q Yes. A I don't know sir how long he worked; I couldn't tell exactly.

Q You now tell me that after he married he came over here and worked four or five years and then went back to Arkansas and worked on a coal bank? A Yes, sir.

Q That's what you tell me now is it? A Yes, sir.

Q Well then how long did he work on a coal bank? A I couldn't tell you exactly how long he worked.

Q You told me a while ago he worked four or five years on a coal bank? A No, sir, I don't think I did; if I did I made a mistake.

Q How much was it you said, more or less? A It was less than that.

Q Whose coal bank was it? A It was called Jenny Lynn, over there about Huntington.

Q The town of Jenny Lynn? A Yes, sir.

Q How long did he work over there about that coal bank off and on? A As well as I can recollect it was about a year.

Q Now four or five years? A No, sir.

Q Did he take his family along with him? A No, sir, his family was over here living right by me.

Examination by Cherokee Representative, W. W. Hastings:

Q Who was living on the Gale Starr place at the time you were, immediately after you came back with your wife from the Choctaw Nation? A Ellis Harlin.

Q Did Ellis Harlin have some children living there? A He had two daughters.

Q What was their names? A Rutha and Emma.

Q They were living on the place at that time? A Yes, sir.

Q Did he have any boys? A Yes, sir, had one named Ose.

Q What was the other one's name? A I forgot the other's name; he didn't come around there none, the other one didn't.

Q They were living there at that time? A Yes, sir.

Q They were single and unmarried and living there on the place at the time with their father? A Yes, sir.

Q All of these children that you have mentioned? A Yes, sir, all

but Oee; I don't know whether he was married or not; he just come in and out; I don't know what he was: the girls though were single.

\*\*\*\*\*

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, M. D. Green.

Subscribed and sworn to before me this April 19, 1901.

Signed, U. R. Breckinridge, Commissioner.

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Department of the Interior,  
Commission to the Five Civilized Tribes,  
Fort Gibson, I. T., April 18th, 1901.

In the Matter of the application of John Barnes for the enrollment of himself and one child as Cherokee Freedmen; he being sworn by Commissioner C. R. Breckinridge, testified as follows:

\*\*\*\*\*

Martha Albert, called and sworn by Commissioner Breckinridge as a witness testified as follows:

Q What is your name? A Martha Albert.

Q How old are you? A 37 or '8 years old.

Q What is your post office? A Melvin.

Q You claim to have lived in the Cherokee Nation all your life?

A Yes, sir.

Note: (By Commissioner) Her case is Cherokee Freedman Doubtful Card No. 42.

Q Are you the mother of this applicant? A No, sir, I am his aunt.

Q He is the son of your sister Jenny Barnes? A Yes sir.

Q She has been dead about ten years? A Yes, sir.

Q Is this applicant a full brother of Robert Barnes? A Yes, sir.

Q Is he married? A Yes sir.

Q What is his wife's name? A Bathie.

Q When were they married? A About three years ago.

Q Was he ever married before? A No, sir.

Q Was she ever married before? A No, sir.

Q They have lived together as husband and wife ever since then, have they? A Yes sir.

\*\*\*\*\*

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he accurately reported in full all the proceedings in the above case and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Signed, Chas von Weise

Subscribed and sworn to before me this the 18th of April, 1901, at Fort Gibson, I. T.

Signed, C. R. Breckinridge,  
Commissioner.



IN THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF COLUMBIA  
IN RE: THE EVIDENCE  
FILE NO. 100-100000

That the above-named exhibit is the translation to the Five Civilized Tribes, being duly sworn, that the foregoing is a true copy from the original of the testimony of Martha Albert and Sally Albert, given in conformity of the collection of Robert Barnes and John Barnes the enrollment as Cherokee Freedmen.

Shirley G. Condit

Sworn to and subscribed before me this 12th day of April, 1942.



Notary Public.

Department of the Interior,  
Bureau of Indian Affairs,  
Washington, D.C., April 25, 1901.

In the matter of the application of Minnie Barnes for the  
enrollment of her children in the Cherokee Nation.  
Minnie Barnes, being duly sworn and examined by Commissioner  
James H. McLaughlin, testified as follows:

Q What is your name? A Minnie Barnes.  
Q How old are you? A 17 years old, coming on 18.

Q What is your place of residence? A Barnes.  
Q What service is your name in? A Cherokee Nation.

Q Do you know to be enrolled in the Cherokee Nation?  
A Yes, I know to be enrolled in the Cherokee Nation.  
Q Do you know to be enrolled in the Cherokee Nation?  
A Yes, I know to be enrolled in the Cherokee Nation.

Q I don't know, sir.  
A That is your father's name? A Yes, sir.

Q Is he living? A Yes, sir.  
Q What is your mother's name? A Jennie Barnes.

Q Is she living? A No, sir.  
A The 1867 authenticated roll of the Cherokee Nation, and

the applicant's name is not identified thereon.  
A The 1866 census roll of the Cherokee Nation, and

the applicant's name is not identified thereon.  
A The 1866 census roll of the Cherokee Nation, and

the applicant's name is not identified thereon.  
A The 1866 census roll of the Cherokee Nation, and

the applicant's name is not identified thereon.  
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the applicant's name is not identified thereon.  
A The 1866 census roll of the Cherokee Nation, and

the applicant's name is not identified thereon.  
A The 1866 census roll of the Cherokee Nation, and

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Fort Gibson, I.T., April 25, 1901.

In the matter of the application of Minnie Barnes for the enrollment of herself alone as a Cherokee Freedman.

Minnie Barnes, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Minnie Barnes.  
Q How old are you? A 13 years old, going on 14.  
Q What is your post office address? A Sango.  
Q What district do you live in? A Sequoyah.  
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.  
Q Does your name appear upon any of the rolls of the Cherokee Nation?  
A I don't know, sir.  
Q What is your father's name? A Sam Barnes.  
Q Is he living? A Yes, sir.  
Q What is your mother's name? A Jennie Barnes.  
Q Is she living? A No, sir.  
The 1880 authenticated roll of Cherokee Freedmen examined, and the applicant's parents not identified thereon.  
The 1890 census roll of Cherokee Freedmen examined, and the applicant not identified thereon.  
The Wallace roll examined, and the applicant's mother identified thereon, page 99, No. 3139, being Snake district, Jennie Barnes.  
Q Have you always lived in the Cherokee Nation? A Yes, sir.  
Q Born in the Cherokee Nation? A Yes, sir.  
Q Is your father living? A Yes, sir.  
Q Are you living with him? A Yes, sir.  
Q Is he a freedman? A No, sir.  
Q Your mother you say is dead? A Yes, sir.

A. S. McRea, attorney for applicant: We want the testimony of Mrs. Martha Albert, who testified in behalf of John and Robert Barnes, who appear upon a doubtful card, filed in this case.

Commissioner Needles: The name of Minnie Barnes cannot be found upon any of the rolls of the Cherokee Nation now in the possession of the Commission. She is 13 years old, and applies to be enrolled as a Cherokee Freedman. She avers that she is the child of Jennie Barnes, now deceased, and the name of Jennie Barnes is not found upon any of the rolls except the Wallace roll, as indicated in the testimony. The attorney for the said Minnie Barnes prays that reference be made to the testimony of Martha Albert, Cherokee Freedman Card No. D43, and the testimony in said case will be filed with the testimony of the applicant. She makes satisfactory proof as to residence, but by reason of her not being fully identified as a Cherokee Freedman, further consideration of her case will be suspended and her name will be placed upon a doubtful card.

\*\*\*\*\*  
Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this 25th day of April, 1901.

*Bruce G. Jones*  
*W. H. Needles*  
Commissioner.

COMMISSION TO THE UNCLASSIFIED  
DEPARTMENT OF THE INTERIOR

VNG SS 1891  
ELI H. D.

Q How old are you, Harry? A I am something over 50 years old,  
about 51 or near as I was when I was 17.

RE-DIRECT EXAMINATION BY A. S. MORRIS:

Q Did Johnson tell you he was a slave by the name of Charles White?  
or Charles Robert? A I am not sure, he may have told me  
of Charles White, but I don't know who he is.

Q Well, did he own a slave, family slave, by the name of Nanny?

A Yes, as I know of, sir.

Q Now, as I understand you to say, Mr. Still, you didn't know all  
the slaves of Johnson, did you? A Yes, sir, I was acquainted with  
them, they was his to me.

Q You were his to all that? A Yes, sir, him by blood and I know  
them.

J. G. Meeker, being first duly sworn, states that as stenog-  
rapher to the Commission to the United States Civilized Tribes, he correctly  
recorded the testimony and proceedings in this case, and that the  
foregoing is a true and correct transcript of his stenographic  
notes thereof.

Subscribed and sworn to before me this August 1901.



Commissioner.



To be filed with case of Minnie Barnes, U. F. D. #122.

## SUPPLEMENTAL TESTIMONY.

P. D. #42.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
VINITA, I.T., MAY 21st, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of MAR  
THA ALBERT, et al., as Cherokee Freedmen:

RUTH HUNT, being sworn and examined by Commissioner T. B.  
Needles, testified as follows:

### APPEARANCES:

A. S. McKee, Attorney for Applicants;  
W. W. Hastings, Cherokee Representative.

- Q What is your name? A Ruth Hunt.  
Q How old are you? A 64.  
Q What is your post office address? A Vinita.  
By W. W. Hastings: Mrs. Hunt, what was your maiden name?  
A Harlin.  
Q What was your father's name? A Ellis Harlin.  
Q What was your mother's name? A Nancy Harlin.  
Q Where did you go during the war of the Rebellion?  
A Fort Smith, Arkansas.  
Q After the war did you return to the Cherokee Nation? A Yes, sir.  
Q When did you return to the Cherokee Nation? A 1867.  
Q What time of the year? A It was either February or March, I  
don't remember which.  
Q But '67? A Yes, sir.  
Q Did any colored people return with you to the Cherokee Nation  
when you came back? A No, sir.  
Q Did you return with your father? A Yes, sir.  
Q To what point did you return? A About four miles this side of  
Fort Smith, on the line of Arkansas, about a quarter of a mile  
from the line, Arkansas line.  
Q Did you know a colored woman by the name of Martha Albert who  
is the wife of Cully Albert? A There was a man worked for us we  
always called him Albert, I don't know what his other name was, his  
wife was named Martha; he worked for us that summer we came back.  
Q The summer of '67? A Yes, sir.  
Q Did they return with you? A No, sir.  
Q Were they over there at the place when you returned? A No, sir.  
Q Do you know where they came from? A No, sir, I don't but Pa  
went over in Arkansas somewhere and hired the man to come and work,  
but I don't remember where he got him. He had a man at work for us  
and the man quit and he went away somewhere and got this man, he  
got him in Arkansas somewhere towards Van Buren, but I don't know.  
Q You brought no colored people back with you? A No, sir.  
Q Did these people claim at that time to be Cherokee Freedmen?  
A I never heard of it at that time and I don't remember anything about  
them claiming.  
Q Do you know what became of them after they left your place?  
A No, sir, I never seen or hear of them until they was tak-  
ing the roll at Vinita here before.  
Q In 1867? A Yes, sir, that is the only time I have ever heard of  
them since.  
Q Are you a Cherokee citizen by blood? A Yes, sir.  
Q You reside at Vinita? A Yes, sir.

CHAS. H. HARRISON BY A. S. MCKEE:



Q Mrs. Hunt, did you know the applicant, Mattie Albert, before the war? A No, sir.

Q Do you know her at all? A I don't know her only just as far back as 1867; I remember there was a man worked for us by the name of Albert, we called the woman Martha and the man Albert, they worked for us here during the summer of 1867, that is all I know about it.

Q You don't know whether she is the one who belonged to Johnson Whitmire before the war or not? A No, sir, I don't know; I never heard her say that she belonged in the Nation before the war.

Q Did you know the Whitmires? A Yes, sir.

Q Did you know any of their slaves? A I can't remember them, I knew them but I can't remember them.

Q Now, this man Albert that worked for your father, you don't know his given name? A No, sir, we just called him Albert, and I don't remember what his other name was.

Q You don't know whether Albert was a given or surname? A No, sir; I don't know which it was.

Q Would you know the same persons if you would see them again?

A I don't think I would, it has been so long.

RE-DIRECT EXAMINATION by Mr. Hastings:

Q How far did you live from Johnson Whitmire before the war?

A About ten or 12 miles. I knew the family and I guess knew the slaves, I don't remember them now.

Q I believe you said you were 86, that would make you be born in 1847; you would be about 13 years old when the war broke up?

A Yes, sir.

Q I was going to ask you if you lived in ten or twelve miles of Johnson Whitmire and if this woman had belonged to him before the war, it is quite likely you would have known that in 1867?

A It seems that she would have known people that I did and would have said something about it. I went to school with Whitmire's children and have been at Ben Whitmire's house and I guess would remember some of the names if I heard them recalled, but I can't remember them now.

Q You didn't recognize this woman? A No, sir, I would not recognize her now.

Q You didn't recognize her then as belonging to Johnson Whitmire?

A No, sir.

Q Never heard her remark about it? A No, sir.

EMMA FINLEY, being duly sworn by Commissioner T. B. Needles, testified as follows:

DIRECT EXAMINATION BY MR. HASTINGS:

Q What is your name? A Emma Finley.

Q What is your age, Mrs. Finley? A 51.

Q What is your post office address? A Tahlequah.

Q Are you a Cherokee by blood? A Yes, sir.

Q Recognized citizen of the Cherokee Nation? A Yes, sir.

Q Mrs. Finley, what was your maiden name? A Anna Harlin.

Q You are a sister of Mrs. Hunt who has just testified?

A Yes, sir.

Q What was your father's name? A Ellis Harlin.

Q What was your mother's name? A Nancy Harlin.

Q Did you come back with your father after the war to the Cherokee Nation? A Yes, sir.

Q When did your father die? A '87.

Q Where did he die? A Down in Sequoyah district, near Fort Smith.

- Q To what point in the Cherokee Nation did you return after the war? A Down on the line close to Fort Smith.
- Q About how far from Fort Smith? A Four miles.
- Q I ask you if any colored people returned with you? A No, sir.
- Q What time did you return to the Cherokee Nation? A In '57.
- Q What time in '57? A I am not positive what month it was, it was either February or first of March, I think.
- Q Did any colored people return with you? A No, sir, there was not.
- Q Do you remember a colored woman by the name of Albert, Martha Albert? A Why, yes, I remember her, she didn't come back with us.
- Q She didn't come back with you? A No, sir.
- Q When do you first remember of having seen her? A I think it was the last of March or first of April, I am not positive which, but it was along about that time.
- Q It was after you returned to the Cherokee Nation after the war? A Yes, sir, after we came back in '57.
- Q Do you know where she came from? A In the state some place.
- Q She worked for you that season, or part of the time? A Part of the time.
- Q She didn't come back with your or your father? A No, sir.
- Q Do you know whether she claimed at that time that she was a Cherokee slave? A No, sir, she didn't; if she did I never heard her. Never claimed at all.
- Q Mrs. Finley, did you know Johnson Whitacre before the war? A No, sir, I had heard of him but I was not acquainted with him.
- Q You were young? A Yes, sir.

CROSS EXAMINATION BY A. S. MORRIS:

- Q Mrs. Finley, where did you all go to before the war, did you leave the Nation? A Before.
- Q Yes? A No, I left the Nation after the war began.
- Q Left during the war? A Yes.
- Q Where did you go to? A Fort Smith.
- Q Did you know Martha Albert at that time? A When I left the Nation?
- Q Yes? A No.
- Q Where was the first time you ever seen Martha Albert? A In '57.
- Q Where at? A In Sequoyah district.
- Q At what time of the year was it? A It was in the last of March or first of April, I am not sure which.
- Q In 1867? A Yes, in '67.
- Q Do you know whether she had ever lived in the Nation? A No, I don't.
- Q Did her husband work for you all? A Yes, in '67.
- Q What was his name? A Colly, that is all the name I ever heard.
- Q Just knew him as Colly? A Yes, that is all we called him.
- Q Do you know whether or not they were slaves? A No, I don't know.
- Q And you saw they came here from the State of Arkansas to work for your father in 1867? A Yes.
- Q You don't know whether or not of your own knowledge they had been in the Territory prior to that or not? A No, I only knew that he went over in the State and got them.
- Q What were they doing in the State? A I don't know.
- Q Don't know whether they were coming there or not?
- Q I suppose they were living there, went there and got them.
- Q Isn't it possible that they would have been over there at work?
- Q It is possible, it is not impossible, of course, they had every thing they had over there.
- Q What kind of work were they doing? A I don't know.

Q Had all their possession in the State of Arkansas? A Yes.  
 Q Did they move those possession over to your father's place when they come there? A Yes.  
 Q What possessions did they have? A They didn't have much, just what they had in the house and one horse.  
 Q You don't know whether they left the Territory or not?  
 A No.  
 Q And you don't know whether they come back in 1866 or not? A No.  
 Q And the first you knew about them was when they worked on your father's place in 1867? A Yes.

HARRY STILL, called as a witness on the part of Applicants being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Harry Still.  
 Q What is your post office? A Hayden.  
 Q What is your age? A Well, sir, I don't know exactly, something over 50.  
 Q You are a recognized citizen of the Cherokee Nation? A Yes, sir.  
 Q Freshman? A Yes, sir.  
 Q Is your name on the roll of 1860? A No, sir.  
 Q You are a contested citizen? A No, sir.

DIRECT EXAMINATION BY A. S. MORRIS:

Q Mr. Still, you are called on to give some evidence in the case of Martha Albert; are you acquainted with Martha Albert? A No, sir, I am not.  
 Q Did you know Johnson Whitmire? A Yes, sir, I knew Johnson Whitmire.  
 Q Did you know any of his slaves? A Yes, sir, I knowed his slaves, I knowed 'em all, he was a brother of my Master.  
 Q Did you know this woman Martha? A Martha Whitmire? I didn't know any Martha Whitmire.  
 Q Did you know Golly Albert? A I know Golly Albert when I see him.  
 Q Did you know him before the war? A No, sir, I didn't.  
 Q Did I understand you to first say that you knew Martha Albert, or that you did not know her? A I do not know her; I knew Johnson Whitmire's slaves, but I did not know her.  
 Q Do you know Eliza McGrady? A No, sir.

CROSS EXAMINATION BY MR. HASTINGS:

Q Where did you live before the war? A Lived on Barron York at George Whitmire's place.  
 Q What kin was George Whitmire to Johnson? A Brother.  
 Q How far did they live apart? A It must have been four or five miles.  
 Q Are you well acquainted with Johnson Whitmire? A Yes, sir.  
 Q Are you well acquainted with Johnson Whitmire's slaves?  
 A Yes, sir.  
 Q Did you know him to have a slave by the name of Martha?  
 A No, sir, I didn't know one by that name.  
 Q Didn't know one by that name? A No, sir.  
 Q You lived there in four or five miles? A Yes, sir.  
 Q If he had one you would have known it? A Johnson had a good many colored people; I know most of them, I knew all of them, all he raised.  
 Q This woman claims now to be about 64 or 65 years of age, which would have made her 15 or 16 years old when the war come up; you didn't know any Martha Whitmire that was something of that age that belonged to Johnson Whitmire? A No, sir.

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Q How old are you, Harry? A I am something over 50 years old, about 54 as near as I can get to it.

RE-DIRECT EXAMINATION BY A. S. ROSEN:

Q Did Johnson Whitnair own a slave by the name of Charles Whitnair, or Charles Robert? A As far as I can know, he may, I have heard of Charles Robert, but I don't know who he is.

Q Well, did he own a slave, family slave, by the name of Nancy?

A Not as I know of, sir.

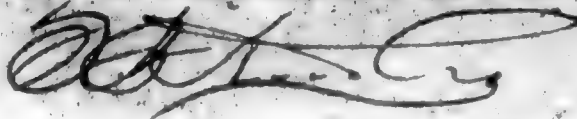
Q Now, as I understand you to say, Mr. Still, you didn't know all the slaves of Johnson Whitnair? A Yes, sir; I was acquainted with 'em, they was kin to me.

Q You were kin to all them? A Yes, sir, kin by blood and I know them.

J. O. Rosen, being first duly sworn, states that as stenographer to the Commission to the Undeveloped Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosen

Subscribed and sworn to before me this August 19th, 1901.



Commissioner.



File with Cherokee Freedman, D- 152, Minnie Barnes.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Fort Gibson, I.T., September 4, 1901.

In the matter of the application of Martha Albert et al. for enrollment as Cherokee Freedmen.

Testimony on behalf of Cherokee Nation.

Appearances:

A. S. McRea, attorney for applicants;

W. W. Hastings, of counsel for Cherokee Nation.

WATT WHITMIRE, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A Watt Whitmire.

Q What is your postoffice? A Westville.

Q How old are you? A 48.

Q What is your father's name? A Johnson Whitmire.

Q What was your mother's name? A Charlotte Whitmire.

Q In what district did your father live before the war?

A Going Snake.

Q Was there any other Johnson Whitmire in Going Snake at that time, that was grown, an old man with a family? A No, sir, not as I know of; there was a Johnson, a son; he is younger than I am.

Q Well, he was born about the time or after the war came up, or when; about how old is he? A He is some thirty odd, some 37 or 8.

Q Did your father own some slaves when the war broke out? A Yes, sir.

Q Do you know whether or not your father or your mother owned a slave by the name of Martha when the war broke out? A No, sir, not as I know of; none by that name.

Q Did your father or mother own a slave by the name of Nancy, a woman? A No, sir, not as I know of.

Q This Martha, according to her statement, would be some 14 or 15 years of age at that time? A No, sir, I don't recollect nary one by that name.

Q You are Johnson Whitmire's son? A Yes, sir.

Q You were living at home at the time the war broke out? A Yes, sir.

By A. S. McRea: Mr. Whitmire, how many slaves did your father own? A I don't know the exact number.

Q Were you acquainted with the names of all the slaves of your father? A Why I believe I recollect the oldest, I don't know that I recollect the smallest children's names, of all.

Q About what was approximately the number of old slaves? A Well, I will have to count them up.

Q Well, give an approximate statement? A About 12 or 14 or somewhere along there; I don't know just exactly.

Q Did he own a slave by the name of Nancy? A Not as I recollect of; I don't recollect any such name.

Q About how old were you at the breaking out of the war? A I was born in '52; I believe the war broke out in '62, wasn't it; about '61.

Q You were about 9 years old? A 9 or 10 years, somewhere along there.

Q Now couldn't he have possibly owned this female girl and you not have any recollection of it? A I recollect all the names from my size up, but I don't recollect of any such name of Martha. There wasn't but two girls, and one was named Mary and one Nannie.

Q They were the only two female colored girls of the ages of 12 or 14 years old? A Well, they were younger than that; Nannie was younger than that and Mary was I reckon maybe one or two years older



than me; I don't know exactly, but I just judge from her size.

Q Well now, do I understand you to say this number of fourteen or fifteen adults, or older slaves, did they have any children? A Oh yes, that included men and women together.

Q Included men and women together? A Yes, sir.

Q Did they have any children? A Yes, sir.

Q Do you remember the names of them all? A Well not of all, I remember the names of some of them.

Q About how many children did each family have? A Well, there was one woman by the name of Fronie had one child named Susie, and there was an old lady named Sukie had two or three, and I don't recollect the names of but one boy, his name was Joe, and this girl Nannie I spoke of was the child of old Aunt Sukie; and there was one by the name of Rachel, I don't recollect just how many children she had, but one or two or three, somewhere along there; they were quite small when the war broke out.

Q That is all the children? A No, sir, I don't recollect just how many children there were in the whole family of the darkies, but there was Rachel's children, and Aunt Sukie's children, and Fronie's child, one child, I believe is all I recollect of.

Q Well, where did your father's slaves go during the war? A Well I can't tell you exactly; my understanding is they went north.

Q That they all went north? A Yes, sir, part of the men folks left here before I left the old place, and when I left there I left part of the women folks at home, at the old home place.

Q Leave any of the children? A Yes, sir.

Q Have you any recollection what became of them? A No, sir.

Q Did you ever see any of them any more? A No, sir, never saw any more of them any more at all.

Q Did you go away yourself? A Yes, sir, taken away.

Q Where did you go? A Went from there to Cane Hill, Arkansas.

Q When did you return? A After peace was made; went on from Cane Hill south.

Q Have you any acquaintance with this alleged party to this suit, Martha Albert; are you acquainted with her? A No, sir.

Q Don't know her? A Don't know her at all.

Q How long have you lived in the Cherokee Nation now since your return from Cane Hill; was that the place you went to? A Went from the Nation to Cane Hill and from Cane Hill went south in the Choctaw Nation.

Q Then when did you return from the Choctaw Nation to the Cherokee Nation? A Returned in '67.

Q To what point? A Back at the old home place in Going Snake district.

Q You have lived here continuously ever since? A Yes, sir.

Q Were you extensively acquainted with the colored people in and around, or rather in Going Snake district? A Yes, sir.

Mr. Hastings: Now as I understand you, Mr. Whitmore, you stated that you remember all of the slaves that were of your age and older, but those that you don't remember were those that were younger or smaller? A Yes, sir; I remember some that were younger than I was, them that I called a gang while ago.

Q You are positive your parents didn't own a slave by the name of Nancy? A No, sir, none that I know of, there wasn't any Nancy on the place, and I believe I can call the names of all the women.

Q Are you positive your parents didn't own a girl older than yourself named Martha? A No, sir, wasn't any on the place named Martha.

J. W. ALBERTY, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A J. W. Alberty.

Q Mr. Alberty, what is your age? A Well, I am 67 years old.

Q What is your postoffice? A My postoffice is Westville, Indian Territory.

Q What district do you live in? A I live in G. Ing Snake district.

Q You a Cherokee by blood? A Yes, sir.

Q Mr. Alberty, where did you live in the Cherokee Nation before the war? A In G. Ing Snake district.

Q Near where you now live? A Yes, sir.

Q Did you know Johnson Whitmire? A Yes, sir.

Q Did you know him before the war? A Yes, sir.

Q How far did you live from him? A Well, it was about ten or twelve miles, I reckon and called it.

Q Did you know his family? A Well, yes I knew his family.

Q This witness here before, named Matt Whitmire, was he a son of Johnson Whitmire? A Yes, sir.

Q I will ask you if you were acquainted with a colored man by the name of Charles Boland before the war? A Yes, sir, he was a mixed blood, free.

Q I will ask you if you knew a colored woman by the name of Nancy Whitmire, alleged to have belonged to Johnson Whitmire before the war? A Yes, sir, I knew her.

Q Now, if you know what became of Nancy Whitmire and Charles Boland I wish you would make a statement to the Commission? A The Whitmire boys sold Nancy to a man named Dillingham, and he moved right across the line from where I lived, five or six miles, and stayed there there until he moved off to Texas, Charles Boland and Nancy. I knew them better after Dillingham got them than I did before.

Q Who sold them to Dillingham? A The Whitmire boys, George Whitmore and Johnson Whitmire; they were brothers and they sold them at the time they divided up the property.

Q Now about how long before the war was that they sold them, about what year? A I reckon it must have been in '47 or '8. I haven't got the dates, I wasn't expecting anything of this kind, and I didn't get the dates, but it must have been in '47 or '8.

Q What was Dillingham's citizenship? A He had none.

Q Was he a white man or Cherokee or what? A He was a white man and lived in the state.

Q What state? A Arkansas.

Q Lived across the line in the State of Arkansas? A Across the line, yes, sir, in the State of Arkansas.

Q Do you know what finally became of him out there? A Mr. Dillingham, in about '50 or '51 moved to Texas and carried the family, and Boland went with them, he was free but he followed this family off to Texas.

Q Do you know whether he had Nancy for a wife or not? A Yes, Boland had this Nancy for a wife, and claimed the family, and when Dillingham carried the family off he went with them.

Q How far did this man by the name of Dillingham live from you? A About five or six miles.

Q Now how far did you live from the Cherokee line up there?

A Well about that time I only lived about half a mile, right at it.

Q On the west side of the Cherokee and Arkansas line? A On the west side of the Cherokee line.

Q And Dillingham lived on the Arkansas side? A On the Arkansas side, just over near what is called Dutch town or Salem.

Q He laid no claim to Cherokee citizenship? A No, sir, not a bit; he had a son that was adopted, but the old man had none.

Q And I believe you stated that about '50 Dillingham carried these people to Texas? A He carried them to Texas.

By A. S. McKee: I understand you to say Johnson Whitmire sold Nancy? A Yes, sir.

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Q Nancy Sheppard then did belong to Johnson Whitmire? A Yes, sir, she did belong to Johnson Whitmire; there were two brothers of the children, George and Johnson Whitmire, and they owned an interest in them and they both sold their interests.

Q About what year was that? A Well, sir, I can't positively say, but it was in or about '47 or '48; I have nothing to guide me by.

Q Do you know Martha, the child of Nancy? A No, sir, they were all small when they went off, I don't know any but a boy they called Ellis; Dillingham brought him back with him just a little while before the war came up.

Q Did Nancy have children when Johnson sold her? A Yes, sir.

Q Did he sell the children with her? A Yes, sir.

Q Nancy's whole family was sold? A The whole family went, yes sir. By A. S. McRea: Mr. Albert, where do you live? A I live in the eastern part of the Cherokee Nation here.

Q And you say Johnson Whitmire sold Nancy, the alleged mother of the applicant, Martha Albert, in 1847? A I didn't say the time he sold her, because I don't know that, he sold Nancy, Charles Boland's wife to Dillingham, and the children, but I don't know nothing about Martha at all, I didn't say the mother of her, but if she is the daughter of Nancy, why she -

Commissioner: Was sold with the balance, was she? A Yes, sir, sold with the balance; the whole family was sold.

A. S. McRea: To whom did you say they were sold? A Dillingham.

Q Where did he live? A He lived in Texas.

Q Do you know of your own knowledge that this woman, Nancy, went to Texas? A Yes.

Q How do you know that? A I saw them start.

Q Did you see them arrive? A I didn't see them arrive in Texas, but I saw them start on the road.

Q Do you know whether or not, of your own knowledge that they arrived there? A No, sir, I can't say that, ~~because~~ but I guess from all the circumstances they did.

Q That fixes it on your mind so very definitely that they were sold in '47? A Well, just as I said before, I said I wasn't positive about that, but it was in or about that time.

Q For how much was she sold? A Well I can't exactly say now what they did bring, because they got some horses and some cattle and some money.

Q How many horses? A I can't answer that question.

Q How many cattle? A I don't know.

Q How much money? A Well, I don't know that that would amount to anything, because it was satisfactory to them.

Q You say they were sold and we want to know what was the status of the sale? A Well I don't know the amount that they got for them, I can't say.

Q Did you see any money exchanged? A No, sir, but after that they changed hands, the darkies went.

Q It is true, they could possibly have changed hands without any sale? A Well hardly, then days.

Q Then in so many words, you don't know whether that was a bona fide sale or not of your own knowledge? A Well, of my own knowledge, I would have to say it was a bona fide sale, or else he wouldn't have taken them out of the Cherokee Nation.

(Foregoing answer read by stenographer at request of attorney for applicant.)

Witness: Yes, sir.

McRea: He said you would suppose it was a bona fide sale.

Commissioner: Was that your answer?

Witness: A Yes, sir.

Commissioner: How long after the sale was it before Mr. Dillingham taken them to Texas? A It must have been 2 or 3 years, they lived right there close neighbors to us two - three years after they

bought them.

Q With whom? A With Dillingham, in the State of Arkansas.

Q Then when the sale was made Dillingham at that same time was living in Arkansas? A Yes, sir.

Q Is your first statement that he was living in Texas correct, at the time of the sale? A No, sir, I didn't make that, he was living in Arkansas and moved to Texas, I said, in about '50 or '51 and taken them with him in about '50 or '51.

McRea: I would like to examine the face of the record.

Commissioner: The record shows for himself. If the witness contradicts himself the record shows it. I think the witness did state when you asked him where Dillingham lived, that he lived in Texas, but you didn't specify the exact time when he lived, but the witness stated plainly now at the time Dillingham bought the slaves he lived in Arkansas and moved to Texas a few years after.

McRea: Did you ever see Nancy Whitmire any more? A Well, I never saw her after he moved off to Texas with her.

Q Are you acquainted with Martha Albert, the applicant in this behalf? A No, sir.

Commissioner: You don't know Martha at all then? A No, sir; well there were several children, but I don't recollect their names; there were several children then only they were small.

Q You have never seen the averred mother of Martha, Nancy, after Dillingham took her to Texas? A No, sir.

McRea: And you don't know whether or not this woman, Martha, was one of the number of these children that accompanied the mother, Nancy, to Texas or not? A No, sir, I don't.

Commissioner: Did Nancy have children to your recollection?

A Yes, sir.

Q You don't recollect how many? A Well, no I don't, there was three or four, four children, there might have been more and might have been less.

Q Know whether they were boys or girls? A There was one boy.

Mr. Hastings: I believe you states that these children that she had went with her? A Yes, they all went with her.

McRea: About what was the age of these children? A Well, they were small, they were not very large.

Q 3, 4, 5, 6 and 10 years, something like that? A Well, he must have been 6 or 7 or 8 years old, maybe 10, I can't state that.

Q Was that a girl or a boy? A I think the oldest one was a girl.

Commissioner: This testimony will be made part of the testimony in the cases, D-99, D-100, D-101, D-102, D-103, D-104, D-105, D-114, D-150, D-151, D-152, D-146, D-182. Attorney McRea for applicant objects to testimony being filed in the case of Robert Barnes et al., and the objection is overruled.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and correct transcript from his stenographic notes thereof.

*Bruce C. Jones*

Sworn to and subscribed before me this 5th of September, 1901.

*M. D. Green*  
Commissioner. *MD*



152, Minnie Barnes.

File with Cherokee Freedman D-

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Fort Gibson, I.T., September 11, 1901.

In the matter of the application of Martha Albert et al. for enrollment as Cherokee Freedmen.

Supplementary evidence introduced on behalf of applicants.

Appearances:

A. S. McRea, attorney for applicants;  
W. W. Hastings, of counsel for Cherokee Nation.

The Commission: Now Mr. McRea, state briefly what you desire to prove by this witness.

A. S. McRea: Applicant desires to offer testimony in behalf of herself et al., by Sam Barnes, showing that mother of applicants did return to the Cherokee Nation within the time of the treaty stipulations, and that so far as the sale of she and her mother to one Dillingham, it is untrue.

The Commission: When you speak of the applicant, I suppose you mean Martha Albert?

McRea: Yes, Martha Albert and others.

Mr. Hastings: The Cherokee Nation objects to the applicant being allowed to introduce any testimony in this case on the question of the return of any of the applicants, for the reason that applicants introduced their testimony on both ownership and return, and the Cherokee Nation introduced testimony on both, and the only testimony which can legally be introduced by the applicant now as testimony in rebuttal of new matter brought out by the Cherokee Nation in its testimony.

The Commission: The objection of the Cherokee Nation will be noted.

S. B. BARNES, appearing before the Commission and being duly sworn and examined, testified as follows:

A. S. McRea: Give us your name, Mr. Barnes? A S. B. Barnes.

Q YOUR AGE? A About 57, going on 58.

Q Postoffice address? A Benge.

Q Mr. Barnes, are you acquainted with the applicant, Martha Albert? A Yes, sir.

Q How long have you known her? A I have known her going on 37 years.

Q Do you know whether or not she was a slave in the Cherokee Nation before the war of the rebellion?

Mr. Hastings: I object to that, both because the very testimony itself shows that he didn't know that; said he hadn't known her but 37 years.

Commission: Ask him the question.

Q Where was she when you first knew her? A She was down here right close to Cherokee.

Q Where is that? A That is down right on the line, at the Cherokee Junction.

Q Was that in the Cherokee Nation? A Yes, sir.

Q Did you know her mother? A Yes, sir.

Q What was her mother's name? A Nancy.

Q How long had you known the mother? A I got acquainted with her in '65.

Q Where was she when you first met her? A I met her down there.

Q In the Cherokee Nation? A Yes, sir.

Q Do you know whether or not they went out of the Cherokee Nation



or not?

Mr. Hastings: He says he never met them till '64 and '65; you ought to know that he can't testify to that.

McRea: He might have heard; we have been taking hearsay testimony.

Commission: Answer the question.

A I don't know.

Q Did you ever hear of the mother of your wife, Sarah Barnes, having been sold to a man by the name of Dillingham?

Mr. Hastings: Objected to by the Cherokee Nation on the ground of hearsay.

Commission: Ask him if he knows.

Q Do you know? A No, sir, I don't know it.

Q Did your wife ever tell you they were sold.

McRea: What his wife told him is admissible.

Mr. Hastings: Objected to by the Cherokee Nation on the ground that it is clearly inadmissible, it being hearsay testimony, and a declaration in interest of the party.

Commission: Let him answer the question.

Q Did your wife ever tell you whether or not she and her mother were sold to Dillingham of Arkansas? A No sir, she never did.

Q I will ask you if you and your wife ever had any conversation pertaining to her citizenship?

Mr. Hastings: Objected to by the Cherokee Nation for the reason that it is clearly hearsay and inadmissible.

McRea: That is not hearsay testimony.

Commission: I will let him answer the question.

Mr. Davenport, Cherokee attorney: I will object on the ground that he can't testify for or against his wife, under the rules of law. I think I recollect that the Commission has served notice that it would follow the ordinary rules of evidence.

McRea: The Commission served notice that it would not confine itself to the different rulings and technicalities of law in trying testimony in this matter.

Commission: Go on with the examination, Mr. McRea.

(Question read to witness by stenographer.)

A Why of course, she met the John Chambers Court at Tahlequah.

Q Where did you marry your wife? A Marry her; we were engaged here in the Cherokee Nation but we were married at Fort Smith.

Q She was living in the Cherokee Nation when you courted her?

A Yes, sir.

Q Now when did you marry her? A I married her in November, '66.

Mr. Hastings: Where did you live before the war? A I lived in Texas.

Q What county? A Fannin County.

Q What was your owner's name? A Higginbotham.

Q What was his first name? A Thomas Higginbotham.

Q What was the nearest town to you? A Bonham.

Q Did you know Jerry Starr down there? A No, sir.

Q Did you see your wife down there? A No, sir.

Q You didn't? A No, sir.

Q Did you see Nancy Whitmire, or Nancy Boland, down there? A No, sir.

Q See Martha Albert? A No, sir.

Q How old are you? A I have turned 58 years old.

Q What is your father's name? A My father, Bob Barnes.

Q When did you leave Texas? A I left Texas directly after the war ended.

Q Well, did you make a crop down there the year the war ended?

A I wasn't big enough, I didn't make no crop.

Q Who were you living with? A I was living with my old mistress.

Q She wasn't a Cherokee? A No, sir.

Q Well, did you make a crop with your old mistress, or for her, that year? A Yes, sir.

McRea: I object to all that; it is irrelevant to the question at issue.

Commission: Answer the question.

Q You made a crop for her you said? A Yes, sir.

Q The year the war ended? A Yes, sir.

Q How long you stayed there that year? A I last there just as the war was up.

Q I thought you said you made a crop there? A I did.

Q Then you laid that crop by, did you? A The war came to an end in the spring of '65 if I understand anything.

Q Well, how did you come to leave Texas and who did you go with?

A I came by myself.

Q Just alone? A Yes, sir.

Q Come about? A No, sir.

Q How did you come? A I had a horse.

Q Well, where did you come to? A I came to Fort Smith.

Q You had never been to Fort Smith before? A No, sir.

Q You had never heard of Fort Smith in your life before? A Oh yes sir, I hadn't been dead I don't reckon, I was a man.

Q How far below Fort Smith did you live when you lived in Texas?

A From Fort Smith.

Q Yes? A You mean just out on the river?

Q In Texas? A It is about 300 miles.

McRea: I object to that, the question is misleading in its nature, and I object to it.

Commission: He has already answered the question.

Q You came direct to Fort Smith? A Yes, sir.

Q Who did you work for there? A I worked for Bill Salt, five miles out south of town.

Q How long did you work for him? A I worked there a couple of weeks, or about a week, or couple of weeks.

Q Then where did you go? A I crossed over here in the Cherokee Nation.

Q What induced you to leave down there and leave your folks and go to Fort Smith at that time? A Just because I had a notion to go to Fort Smith.

Q Then what induced you to leave Fort Smith after being there only two weeks and go over on the Nation side? A Just because I wanted to go.

Q You didn't know anybody over there, did you? A No sir.

Q You had never seen a soul? A Of course I had seen people.

Q You had never seen one of them over there at Fort Smith?

A Not from across the Cherokee Nation side, across the river; why I saw people down in Fort Smith out of the Cherokee Nation.

Q Who did you meet that lived on this side of the river, at Fort Smith? A I met the Stoneroad and Mrs. Franklin, I don't know how many people I didn't meet.

Q Where place did you go to on this side of the river first? A I was at Mr. Stoneroad's place the first place I was at, right on the line.

Q How long did you stay there? A I didn't stay there but an hour or two.

Q Then where did you go? A I went back to town.

Q How long did you work there in town? A I don't know exactly how long.

Q A year? A I don't know exactly how long I worked in town.

Q 25 years? A I might not have worked there more than two hours, I don't know.

Q Don't know whether it was an hour or 25 years? A Yes, sir, I do know how long.

McRea: He has answered that he don't know.

Commission: Let him answer the question.

Q About how long? A I worked there two or three different times.

4-  
sometimes I would be in town a week and sometimes not but a day or two and sometimes two or three days.

Q Where were you making headquarters, or home? A I made headquarters sometimes out at Bill Belt's and after that I worked for Tom Stoneroad some right on the line of the Cherokee Nation.

Q How long did you say a while ago you had been married? A I said I married in November, '66.

Q How many years did you say that was? A I didn't say nothing about the years.

Q Who married you? A I was married by the clerk.

Q What was his name? A I don't know his name.

Q Clerk of what court? A Clerk of the Court there, at Fort Smith.

Q On the Arkansas side? A Yes, sir.

Q You got a license over there, and he married you? A I think I got license.

Q Now what is your full name? A Sam Barnes is my full name.

Q What is your wife's name? A Her name was Jennie.

Q Jennie what? A Jennie Boland.

Q She is a sister to Martha Albert? A Yes, sir.

Q Younger than Martha? A Yes, sir.

Q Have you ever been married before? A Yes, sir, had been married twice before.

Q Where had you been married? A In Texas.

Q What was your first wife's name? A Anna.

Q She dead? A Yes, sir.

Q What was your second wife's name? A Name was Mandy.

Q That year was it they had that investigation, that Chambers Court you speak of? A That was in '78.

Q Was your wife admitted or rejected? A Must have been rejected by us having to be here.

Q Did you make a statement up there before that court? A Yes sir.

Q You never saw your wife before the war? A No sir.

McRea: Did you see the mother, Nancy Boland, of your wife and Martha Albert, here in 1866? A I seen her here, yes sir.

Q In the Cherokee Nation? A Yes, sir.

Q Is she living now? A Who is that?

Q The mother, Nancy Boland? A Oh no, she died in '66.

Q Where was she buried? A Buried on this side the river there somewhere.

Q In the Cherokee Nation? A Yes, sir.

Q Did you see the father, Charles Boland I believe was his name? A Yes, sir.

Q In '66 here in the Cherokee Nation? A Yes, sir.

Q Is he alive now? A No, sir, he is dead.

Q When did he die? A He died in '78.

Q Where was he buried? A He is buried on Lees Creek.

Q In the Cherokee Nation? A Yes, sir.

Mr. Hastings: On whose place is Nancy Boland, the mother of Martha Albert and also of your wife, buried; who owns that place now?

A She was buried at what was called the Jack Campbell graveyard, my wife.

Q This Nancy Boland, where is she buried? A She is buried I think at Mrs. Franklin's graveyard.

Q Do you know it? A That is where I was told she was buried.

Q What time did she die? A She died in '66.

Q Spring, summer or fall; before you married or after? A Just before I married.

Q Did you ever see her? A Seen her many a time.

Q In Texas? A No sir, never seen her in Texas.

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Mr. Hastings: Notice is hereby served on the Attorney

in the case of Martha Albert and the referred cases, that the Cherokee Nation desires to introduce testimony in this case on Friday, the 13th inst., between the hours of eight in the morning and five in the afternoon.

McKee: The applicant will on said date introduce additional testimony in the case at bar.

Commission: This testimony will be taken in the following Cherokee Freedmen cases: D-48, D-148, D-182, D-98, D-100, D-101, D-102, D-103, D-104, D-105, D-114, D-115, D-151, D-152.

Commission

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

*Bruce C. Jones*

Sworn to and subscribed before me this the 13th of September, 1901.

*[Signature]*

Commissioner.



File with case of Winnie Barnes, C.F.-D.#152.  
Supl. C.F.-D.#42.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
FORT GIBSON, I.T., SEPTEMBER 17, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of  
MARTHA ALBERT, et al., as Cherokee Freedmen, introduced on the  
part of the Cherokee Nation.

APPEARANCES:

W. W. Hastings, Attorney for Cherokee Nation;  
A. S. McRea, Attorney for applicants.

J. W. HUGHES, being duly sworn, testified as follows on  
part of the Cherokee Nation. BY MR. HASTINGS:

- Q What is your name? A J. W. Hughes.  
Q Post office? A Ramey.  
Q What is your age? A 53.  
Q Are you a citizen of the Cherokee Nation? A Well my wife and  
children are, I wasn't married according to the Cherokee laws.  
Q When were you married? A I was married in '69, July, '69.  
Q Where did you live that year after you were married? A I lived  
in the Indian Territory on Joe Purdue's place on Webber creek, in  
a mile and a half or two miles beyond Big Lees creek.  
Q That is in Sequoyah district? A Yes, sir.  
Q And about how far from Fort Smith, Arkansas? A Well, according  
to the line straight through, about eight miles.  
Q Do you know Golly Albert, a colored man? A Yes, sir, I was  
acquainted with him there.  
Q Were you acquainted with his wife, Martha Albert? A Yes, sir.  
Q Did you know Martha Albert's father? A Yes, sir, that is what  
they claimed to be her father.  
Q Well, what was his name? A His name was Boldan, I could not  
tell you what his given name was. He claimed his name was Boldan.  
Q Well, he was recognized there as the father of Martha Albert?  
A Yes, sir.  
Q Did you know Martha Albert's sister, Jennie Barnes?  
A Yes, sir, I was well acquainted with them, lived in a half mile  
of them about four years.  
Q Did these children do any work for you in these early days,  
'69 or '70? A Well, in the year of '70 when I was living there  
on the place they were living a quarter or half a mile below me, I  
rented a place from Joe Purdue and they were living joining that  
place, and I hired them to shop cotton for me and also to pick cot-  
ton and work; and do some other work making rails and fixing fence,  
and I worked there with them two or three years; they worked for me.  
Q Did you ever have any talk, or hear any members of this family  
make any statement as to where they came from and their whereabouts  
prior to that time? A I have heard Boldan and his daughter, Colly  
Albert's wife, I never have heard Colly speak anything concerning it  
as I remember at this time.  
Q Well, from Boldan or Colly's wife, Albert? A I heard Boldan-  
Mr. McRea: I object to anything Boldan said.  
Commissioner: Make the objection and answer the question.  
A I heard him saying he was in Texas; he claimed himself to be part  
Cherokee, if I mistake not, and that he was not a slave; he claimed  
that he was not but his wife was, children seems to me he had two  
children and they were sold out of here and was carried to Texas  
by somebody, and I don't remember just who he said carried them  
away, but the best I remember about it that he had two children,  
Martha and Jennie, two girls, if I mistake not, as near as I can  
possibly think of it not at the present, and that he went along for  
his children's sake was what I seemed to understand from his talk,



and that he still lived there until the war closed and moved back, but I never was acquainted with him until '69 or '70.

Q Well, did he say when they went to Texas? A No, sir, I don't remember.

Q Well, as to the war, or before the war? A It must have been before the war.

Q Did he say that his wife and children were sold? A I think he did, I won't be positive about that, but I think he did. I remember one thing he told me, he was mighty jokey and working for me there picking cotton and chopping cotton and talking about his ups and downs down there in Texas, and what makes me think that you know, I asked him you come from down here in Texas and he spoke about his wife and children being sold out, and if I mistake not, he told me before the war they were sold out, I won't be positive about that, but it seems to me that he did, and then at the close of the war, or after the war a while, he come back, but I don't remember anything about the time, date, I never was acquainted with him until '69, we made a crop there that year and how come me to get acquainted with him is what I say, I had rented that place of Joe Purdus's on the creek and we made a crop there that year and I made a crop there in '70.

Q Well, did you ever hear Martha Albert say anything about her whereabouts, where she came from? Well she claimed, if I understand it, she claimed that she come from Texas.

Q Do you remember whether you ever heard Jennie Barnes say anything about where she come from? A I never heard Jennie Barnes say anything about it, she was not about our house, but these others they worked for me a great deal.

Q Do you remember whether Boldan made any statement as to who his wife formerly belonged to up here in this country before the war?

A I just don't remember.

Mr. McKee: I object to that.

Commission. Your objection will be noted.

A It seems to me that she was a white girl, I won't be positive about that now.

MR. McREA: Mr. Hughes, you say your first acquaintance with Martha Albert and her family was in '69 or '70? A First acquaintance was '69, and in the fall of '69.

Q You knew nothing of them before that? A No, sir, I did not know them before '69, I could not tell you just what time of the year, but it must to have been, the best knowledge I have about it now, was in '69, and what makes me think so I was married in '69, in July.

Q When was the last time you saw Martha Albert? A I suppose it must have been two or three years ago the last time I remember seeing her, two or three years ago.

Q Did you ever give testimony in this matter before?

A I never have, never was called on.

Commission: This testimony will be made a part of the record in the following cases: D.#42, D.#146, D.#182, D.#99, D.#100, D.#101, D.#102, D.#103, D.#104, D.#105, D.#114, D.#150, D.#151, D.#152.

J. O. Hansen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this September 12th, 1901.

Commissioner.

made the above and foregoing copy, and that the same was true and correct copy of the original document.

SECRET

**FILED**  
MAY 19 1905  
COMMISSION TO FIVE TRIBES.

Cherokee Freedman-R-418 to 431.  
both inclusive.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Indian Territory, April 27, 1905.

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In the matter of the application for the enrollment of  
Martha Albert et al. as Cherokee Freedmen.

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It appears from the records of the Commission that on the 11 day of January, 1904, the Commission rendered a decision in the above case, denying all the applicants therein, which decision of the Commission was approved by the Secretary of the Interior on June 21, 1904. It further appears that on March 23, 1905, this application was remanded by the Secretary of the Interior for further hearing.

Now on this, the 27th day of April, 1905, the applicants appeared in person and by their attorneys, Neal & London. The Cherokee Nation represented by Bell, Hastings & Davenport.

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Witness for applicants.

A. J. Alberty, being duly sworn, testified as follows:

MR. NEAL:

- Q. What is your name? A. A. J. Alberty.  
Q. Where do you live? A. Near Stilwell.  
Q. How long have you lived in the Cherokee Nation? A. I was born there.  
Q. How old are you? A. About 60 years old.  
Q. You are a Cherokee by blood? A. Yes sir.  
Q. Were you acquainted with Johnson Whitmire before the war? A. Yes sir.  
Q. How far did you live from him before the war? A. I guess a couple of miles.  
Q. Were you acquainted with his slaves? A. Yes sir.  
Q. Do you remember anything about his selling some slaves into Arkansas some time before the war? A. Yes sir.  
Q. To whom did he sell these slaves? A. A man by the name of Dillingham.  
Q. Do you know whether there was a slave named Nancy sold to that man? A. I think so.  
Q. Do you know this applicant? A. Yes sir.  
Q. Did you know her before the war? A. Yes sir.

- Q. To whom did she belong previous to the Rebellion? A. Johnson Whitmire.
- Q. Was he a Cherokee Indian? A. Yes sir.
- Q. Was she sold by Whitmire previous to the Rebellion? A. Yes sir, I think she was.
- Q. Do you mean this applicant? A. No sir.
- Q. Did he have two slaves by the name of Martha? A. Yes sir, one was called big Martha and the other little Martha.
- Q. Which one was sold? A. Big Martha was sold.
- Q. Was this one little Martha? A. Yes sir.
- Q. Was she sold? A. No sir, the other one was sold to Dillingham.
- Q. Do you know who took her out of the Cherokee Nation when the war broke out? A. This one?
- Q. Yes? A. I think it was Cornelius Wright.
- Q. Was he the boss who took the Whitmire niggers out? A. Yes sir.
- Q. Did you, at any time during the war or at the close of the war, see this applicant anywhere, and if so, where? A. After the close of the war I was down there in the Choctaw Nation on Red River, and I learned from the Choctaws that there were a lot of refugees there. I looked out for them, and found some of the Whitmire slaves.
- Q. Was that in the Choctaw Nation? A. Yes sir.
- Q. When was it? A. I think, to the best of my knowledge, that it was in the fall of '65.
- Q. Do you know of your own knowledge when she returned to the Cherokee Nation? A. No sir, I don't.
- Q. What was this woman's mother's name? A. She went by the name of Nancy.
- Q. What was the name of the other Martha Whitmire's mother? A. I think her name was Dicy.
- Q. Her name was Dicy Whitmire before she was sold by Whitmire? A. Yes sir.
- Q. Was her name Dicy Whitmire or Dicy Shepherd? A. They always went by the name of their master.

MR. HASTINGS:

- Q. When is your birthday? A. I think it was about '43, but I aint right sure about it.
- Q. You have never had a birthday since? A. No sir.
- Q. You didn't have one last year? A. Yes, my birthday comes around, I guess.
- Q. When was it? A. In August of '43, I think it was.
- Q. But you are about 60 years old? A. Yes sir.
- Q. Do you remember about the year that Dicy, the mother of Martha, was sold to Dillingham? A. It was two or three years before the war.
- Q. Who else was sold at the time Dicy was sold to Dillingham? A. There were two or three children.
- Q. What were their names? A. One of them was called Martha.
- Q. Where did you live at the time? A. Right up above Whitmire's up in Going Snake District.
- Q. Watt Whitmire lived there with his father didn't he? A. If he did he was very young.
- Q. You say it was only three or four years before the war? A. Well, I don't know his age.
- Q. Who did you get a letter from about a week ago to hunt up testimony in this case? A. I didn't get one from anybody.



- Q. Did you ever get one from anybody with reference to hunting up testimony in this case? A. I saw Mr. Rogers.
- Q. What Mr. Rogers? A. That man over there behind Mr. Neal.
- Q. What interest did he have in the case? A. I couldn't tell you. He just asked me to go over there and see if I could find anybody that knew these people.
- Q. Who did you go to ask? A. Mrs. Susie Walkingstick.
- Q. What interest did you have in going around over the neighborhood asking people if they knew about the people in this case? A. They had asked me to do it as a favor.
- Q. Did you have any interest in the case? A. No sir.
- Q. How many slaves did Johnson Whitmire have when the war came up? A. I don't know --- several.
- Q. Let's have the names of some of them? A. One was called Dicy, One Nancy, Emma, Rachel. I believe that is all I know the names of. There were several more, but I don't remember their names.
- Q. How far did Jack Alberty live from Johnson Whitmire? A. About 8 miles.
- Q. How far did Jeff Tih-nee-sky live from Johnson Whitmire? A. About three or four miles.
- Q. Do you swear that Johnson Whitmire owned this slave and her mother when the war came up? A. Of course he owned them.
- Q. You will swear that? A. Of course I will.
- Q. And he owned her mother at that time? A. Yes sir.
- Q. Was she very old? A. Not very.
- Q. Did she have any more children? A. I don't know. I wasn't that well acquainted with her. I was over there a good deal, but I didn't know about her business.
- Q. Don't you know whether she had any other children besides this Martha? A. I don't know.
- Q. Didn't she have one older than Martha? A. I don't know.
- Q. And didn't she have two younger than Martha? A. I don't know.
- Q. But you knew Nancy and Martha? A. Yes sir, but I met them out on Red River after peace was made, and that is how I knewed so much about them.
- Q. You didn't know that she had a brother or any sisters? A. She had some brothers I guess.
- Q. What were their names? A. One went by the name of Nelson, one was Aaron, and one was Lewis.
- Q. Who did they belong to? A. I think they were kinder in partnership between Johnson Whitmire and George Whitmire.
- Q. Did you know the father of Johnson and George Whitmire? A. No sir.
- Q. He died long before the war, didn't he? A. I guess so. I never knew him at all.
- Q. When did Dillingham get Dicy? A. I don't know about that.
- Q. Who took this applicant and her mother south? A. Cornelius Wright.
- Q. Is that Cale Wright's father? A. Yes sir.
- Q. Then Cale Wright would know about that? A. I guess he would.
- Q. How do you know they went south with Cornelius Wright? A. They told me so.
- Q. How old was this applicant when the war came up? A. I could not tell you. I was about 15 years old, and she wasn't as large as me.
- Q. Was she five years old? A. I don't know.
- Q. Was she three? A. I don't know.
- Q. Was she two? A. I have no idea about her age.
- Q. Do you mean to tell this Commission under oath that you knew this particular girl and yet can't tell whether she was 15 or two years of age? A. She was over two.



- Q. What is your best judgment, if you are going to tell the truth?  
A. I guess she was 13 or 14 years old.
- Q. You say she went south with Cornelius Wright? A. Yes sir.
- Q. Did Cale go with his father? A. I don't know whether he did or not.
- Q. Weren't you in the neighborhood? A. No sir, I was a soldier.
- Q. Who was the reputed father of this applicant? A. I never knew him.
- Q. Did you ever know of a free nigger by the name of Charley Bowland? A. No sir.
- Q. He didn't live around there? A. He might have, but I didn't know him.
- Q. He didn't go over with Dillingham? A. I don't know.
- Q. You would have known it if he had? A. I might not have seen them when they left, but just heard of it.
- Q. You know that Dicey went off with Dillingham? A. Yes sir.
- Q. and she had a child by the name of Martha? A. Yes sir.
- Q. And you swear that this Nancy and her child Martha were living there with Johnson Whitmire in Going Snake District when the war came up? A. Yes sir.
- Q. And yet, you do not know how old she was? A. I guess she was 13 or 14 years old.
- Q. How long was it immediately before the war that you saw this child at Johnson Whitmire's? A. I was around there several times, and I don't know just when was the last time.
- Q. When was the last time you were at Johnson Whitmire's before the war? A. I couldn't tell you that.
- Q. You must tell us what is your best judgment. You are under oath now? A. In those days I didn't keep any account of my whereabouts. I was a young man and didn't keep any account.
- Q. Were you in the country when the war came up? A. Yes sir.
- Q. How long before the war came up was it that you were at Johnson Whitmire's? A. Just a short time.
- Q. How long was it before the war that you saw Nancy at Johnson Whitmire's? A. I couldn't tell you.
- Q. Was it ten years? A. It might have been.
- Q. It might have been 15 years? A. It might have been.
- Q. You are not going to be positive on that point? A. No sir.
- Q. It might have been as much as four or five years before the war that you last saw Nancy and this child at Johnson Whitmire's? A. It might have been a year or six months.
- Q. When you were at Jeff Tik-nee-sky's you didn't know anything about these people? A. Yes I did.
- Q. Did you tell him that you knew them -- that you knew this applicant's mother? A. Yes sir.
- Q. Did you tell Jeff what you have told on this stand? A. I told him that I knew of one being names Nancy, and I told him the other one, I told him of the one that Dillingham took out -- that that one was called Dicey and her daughter was called Martha.

MR. NEAL:

- Q. Did you go into the army when the war first broke out? A. Yes sir.
- Q. Were you around there until you went off to soldiering? A. Yes sir.
- Q. Then you were in that neighborhood until the war broke out? A. Yes sir.
- Q. In your cross examination you told Mr. Hastings that it might have been 10 or 15 years or six months that you lived within two miles of Johnson Whitmire and didn't go down there. Do you mean that you lived there that long and didn't go about his

- place? A. Yes sir.
- Q. Then you don't know whether you stayed there five years before the war or not? A. No; I couldn't tell you how long it was. I was over there now and then.
- Q. Every four five years or what? A. Maybe every two or three weeks.
- Q. Were you over there every two or three weeks before the war broke out? A. Yes sir, maybe it would be a month.
- Q. Do you mean to say that before the war broke out you were over there every three or four weeks or every four or five years? A. It was a short time.
- Q. Were you over there every week or two or every year or two? A. Every week or two.
- Q. When you said you didn't know how long it was, you meant that you didn't know how many days it was before you went to the army? A. Yes sir.
- Q. Did you see Nancy within a month or six weeks before you went away? A. Yes sir, I think so. It has been a long time ago and a man can't remember all of these things. Lots of things have slipped my memory.

MR. HASTINGS:

- Q. Wasn't Watt Whitmire, being a son of Johnson Whitmire, in a little better position to know what slaves his father had than you were? A. I guess he would. He knew them better than I would for he was with them every day.

COMMISSION:

- Q. When were you last at Johnson Whitmire's before the war broke out? A. I couldn't tell you exactly.
- Q. What is your best judgment? A. It might have been two or three weeks or a month.
- Q. Was it within a short time before the war broke out? A. Yes sir.
- Q. Do you state now as a positive fact that when you were there the last time, that you saw this applicant there? A. Yes sir.
- Q. The last time you were at Johnson Whitmire's before the war she was there? Do you state that as a fact, now? A. Yes sir, she was there, but she was never taken out of there.
- Q. Well, she was there or else she was not? A. Yes sir, she was there, but she never was sold out.
- Q. Were any of the other slaves there? A. Yes sir.
- Q. How often have you seen this witness since the war? A. Just one time -- then I saw her yesterday or the day before. I saw her out on Red River before '65.
- Q. Since '65 up to a couple of days ago you haven't seen her at all? A. No sir.

(Witness identifies his signature attached to an affidavit which is shown him.)

- Q. Are you willing to swear now, Mr. Alberty, that this woman, whom you haven't seen for forty years is the same woman that you saw at Johnson Whitmire's just before the war? A. Yes sir, I saw her out on Red River in '65, and she is the same one.
- Q. And you haven't seen her since until a few days ago? No sir, I haven't.
- Q. In January of this year was your attention drawn to the fact

about some Martha Albert --- about four months ago? A. Not that I know of.

Q. Do you remember this paper that I showed you a while ago? A. Yes sir.

Q. Did you read that paper before you signed it? A. Yes sir.

Q. Four months ago you swore before Mr. Rogers, a Notary Public, that you had known this woman all her life time, and now you state that from the time you saw her down on Red River, in '65, until a few days ago you didn't see her at all? A. I couldn't see her all the time.

Q. It is a fact that you had not seen her since '65 until a few days ago? A. Yes sir, I hadn't.

Q. Prior to that time you had signed this affidavit, hadn't you? A. Yes sir.

(Reference is made to an affidavit signed by the witness in the case of this applicant, signed January 10, 1905, before H. L. Rogers, Notary Public, and which is a part of the petition for a rehearing, addressed to the Department of the Interior and to the Honorable Commissioner of Indian Affairs.)

MR. NEAL:

I have one other witness, Martha Williams, who is the Martha that was sold by Johnson Whitmire to Dillingham. She lives at Marlton, and we sent a man down after her, and this morning I got a message stating that she is sick, and that a doctor's certificate has been procured. As soon as she is able to travel I would like to bring her up here and take her testimony. The testimony of this witness is important, because she is the Martha that belonged to Johnson Whitmire and who was sold out to Dillingham.

WITNESS EXCUSED.

Martha Albert recalled for additional cross examination.

MR. HASTINGS:

Q. What is your name? A. Martha Albert now.

Q. What was your father's name? A. Charley Bowland.

Q. What was your mother's name? A. Nancy, but she was called Nannie when she was young.

Q. How old are you? A. I think I am about 60 years old, but I don't know exactly. I am not educated and can't tell my age exactly.

Q. Were you married before the war? A. No sir, I was just a little girl.

Q. Were you married during the war? A. About the last year of the war.

Q. Where? A. On Red River.

Q. Who did you go south to Red River with? A. With Cornelius Wright's daughters.

Q. Who took them? A. Cornelius Wright took them, and there was another lot went along. We all went together, but I was so small that I didn't pay much attention.

Q. Did you know any of Cornelius Wright's folks? A. Yes sir, I knewed Alf Wright, and aunt Jinnie, and Aunt Darcus.

Q. Did Cornelius Wright have any children? A. Yes sir.

Q. What were their names? A. I can't tell you, for it has been a long time ago, and I can't remember their names.

- Q. You can't recall the name of any one he had when the war came up? A. I can remember them, but I can't remember their names.
- Q. You can't remember the names of any of them that went south with you? A. No sir.
- Q. Where did Cornelius Wright live when the war came up, and about when you started south? A. On the other side of Barren Fork.
- Q. On which side of Barren Fork was that? A. On the north side.
- Q. How far from Barren Fork? A. I didn't go out there and measure it, Mr. Hastings, I was too young.
- Q. What was Cornelius Wright's wife's name? A. Her name was Sarah, I think.
- Q. Was she living when the war came up? A. It seems to me like she was dead.
- Q. How long had she been dead when the war came up? A. You must recollect that I was a child and don't remember lots of things. You must give me a chance the same as anybody else. You folks didn't give us niggers no education so we could know and remember things like that.
- Q. About how long before the war did Sarah Wright die? A. I don't know.
- Q. Will you swear that she didn't go south with Cornelius Wright? A. I don't know.
- Q. You are sure her name was Sarah? A. I said I thought it was. What did us niggers know about that. All we could call them was Mistress, and most always that was all we knewed about their names.
- Q. What was Cornelius Wright's childrens names that went south? A. I don't know.
- Q. You didn't have to call them Master and Mistress did you? A. Sometimes we did, and then it has been so long ago that I have raised a family myself since then.
- Q. What was Johnson Whitmire's wife's name? A. She was named Temple.
- Q. Was she the wife that was living with him when the war came up? A. I think she was, but I wouldn't be positive.
- Q. Was you their slave? A. Yes sir, and he had plenty of slaves besides me.
- Q. How many children did Johnson Whitmire and his wife, Temple, have? A. I will tell you the truth, and I wouldn't swear a lie to get on this roll. I don't know their names -- none but one. I knewed Watt, and that is the only one.
- Q. You know him because you heard me call his name, and because he was a witness against you in this case. How old was Watt when the war came up? A. He was a good sized boy, but I was the largest.
- Q. If you were a child with them and Johnson Whitmire had some more children, why don't you remember their names? A. I just tell you about that. If you had been raised up a slave in the backwoods like us you would not know your playmates' names.
- Q. The truth of the business is, you weren't there? A. Yes sir, I was right there.
- Q. Did he have a brother names George Whitmire? A. Yes sir.
- Q. What children did George Whitmire have? A. He didn't live right there.
- Q. How far did he live from Johnson Whitmire? A. I don't know. I know he lived in the country somewhere.
- Q. About how far? A. I don't know.
- Q. You never were at George Whitmire's? A. I belonged to Johnson Whitmire.
- Q. You never were at George Whitmire's? A. No sir.



- Q. You don't know whether he had any children or not? A. I think he did.
- Q. You don't know any of Johnson's children but Watt, and you did not know him until he testified against you? A. Yes sir, I knew him before.
- Q. But you never knew any of the rest of them, did you? A. I don't know.
- Q. Where did Johnson Whitmire live when the war came up? A. He lived up in Going Snake District.
- Q. Near what town? A. Tahlequah.
- Q. About how far from Tahlequah? A. I don't know.
- Q. Your best judgment? A. I didn't have no judgment about it.
- Q. You weren't there, were you? A. I was born and raised right there on the old Whitmire place.
- Q. How far is it from Tahlequah? A. I don't know.
- Q. Was it as much as two miles? A. I never have measured it.
- Q. Was it a mile and a half -- what is your best judgment? A. It might have been a mile and a half or five miles.
- Q. Is five miles your best judgment? A. My best judgment is that I don't know.
- Q. Is five miles your best judgment? A. I don't know how far it was.
- Q. On what side of Barren Fork did he live? A. On the north side.
- Q. How far did he live from the creek? A. I don't know that. He didn't live so powerful fur though.
- Q. Was it five miles? A. No, I don't think it was that fur.
- Q. Right when the war came up how far did Johnson Whitmire live from Barren Fork? A. I guess his old house is sitting there right now, on the north side of Barren Fork.
- Q. How far from the creek? A. I couldn't answer lessen I know.
- Q. I want to know whether it was a short distance, or how far? A. If I had been a young woman I might have been able to tell you.
- Q. How old were you? A. I must have been four or five years old.
- Q. And yet, you were married the last year of the war? A. I was 13 or 14 years old when I married.
- Q. What became of your mother? A. She died.
- Q. Where did she die? A. Down in Sequoyah.
- Q. Did your father go south with you? A. He didn't go with us but he come.
- Q. You remember seeing him around Johnson Wright's before you went? A. Yes sir, but his home was on Pea Vine.
- Q. What kind of a house did Johnson Whitmire live in? A. I think it was a big log house.
- Q. Are you certain about that? A. No sir, I won't be certain.
- Q. Did he live on the hill or in the valley? A. On the side of the hill.
- Q. And you were four or five years old? A. I suppose I was about that old.
- Q. You were born in '43 and left in '47? A. I don't know. You ask me too tight questions. If I was sold I would say so.
- Q. How many slaves did Johnson Whitmire have? I mean when the war came up? A. He had old acount Tempie, Artie, Mose, Celia, Mary, Nancy and me.
- Q. Did Celia have any children? A. No sir.
- Q. Did Tempie? A. She had two.
- Q. Were they older or younger than you? A. Older.
- Q. Did they have any about your age? A. No sir.
- Q. Did Mary have any children? A. Yes sir.
- Q. What were their names? A. One was named Bass and one was named Tom.



- Q. You don't know how far from Barreb Fork Johnson Whitmire lived, though? A. No sir.
- Q. You didn't know any of his children but Watt? A. I did know them, but I have forgot their names.
- Q. You didn't know any of Cornelius Wright's children's names? A. No sir.
- Q. You do not know the names of any of George Whitmire's children? A. No sir, we didn't belong to George.

COMMISSION:

- Q. You have some children, haven't you, that you applied for? A. Yes sir.
- Q. Elijah and Ida are two of them? A. Yes sir.
- Q. Who is the father of these children? A. Colly Albert.
- Q. He was a state man, wasn't he? A. Yes sir. Old man Bushyhead raised him, but he didn't belong to him.
- Q. How many times have you been married? A. Just the one time.
- Q. What was your husband's name? A. Colly Albert.
- Q. He doesn't claim any rights as a Cherokee Freedman? A. No sir.
- Q. You have a child called Henry? A. Yes sir.
- Q. Has he got some children? A. Yes sir.
- Q. What are their names? A. Harry, Raymond, and Louie.
- Q. Who is the mother of those children? A. Florence.
- Q. She is a state woman? A. Yes sir.
- Q. She doesn't claim any rights as a Cherokee Freedman? A. No sir.
- Q. You have a girl called Lillie White? A. Yes sir.
- Q. She has some children? A. Yes sir.
- Q. Who was the father of those children? A. Henry White.
- Q. He is a state man? A. Yes sir.
- Q. Have you a child called Nancy Balkan? A. Yes sir.
- Q. Has she any children? A. Yes sir.
- Q. Their father doesn't claim any rights as a Cherokee Freedman? A. No sir.
- Q. Have you a daughter named Malinda? A. Yes sir.
- Q. Has she any children? A. Yes sir, six.
- Q. Does the father of those children claim any rights as a Cherokee Freedman? A. No sir.
- Q. Are they all living? A. Malinda is dead, but her children are all living.
- Q. What relation is Jennie Barnes to you? A. She is my sister.
- Q. A full sister? A. Yes sir.
- Q. Did you have the same father and mother? A. Yes sir.
- Q. Is Robert Barnes Jennie Barnes' son? A. Yes sir.
- Q. The father of Robert was a state man? A. Yes sir.
- Q. Jennie Barnes had a daughter called Lula Knalls? A. Yes sir.
- Q. And she has two children? A. Yes sir.
- Q. What are their names? A. Sarah French and Fred E. Knalls.
- Q. Was the father of Sarah French a state man? A. Yes sir.
- Q. What about the father of Fred? A. He was a state man.
- Q. Who was the father of R-430? A. He was a state man too.
- Q. He is dead, isn't he? A. Yes sir. A. Yes sir.
- Q. John Barnes is a son of Jennie Barnes, too? A. Yes sir.
- Q. His father was a state man? A. Yes sir.
- Q. The mother of Gussie and John is a state woman? A. Yes sir.
- Q. Sarah Brown has got a child called Maggie Williams? A. Yes sir.
- Q. What is its father's name? A. Marcus Williams.
- Q. He is a state man? A. Yes sir.
- Q. Jennie Barnes had a daughter named Maggie, and Maggie had a son named George L. Bell. Who was the father of this child? A. George Smith, or Bell.
- Q. Is he a state man? A. No sir.

Q. He was denied as a Cherokee Freedman? A. Yes sir.

WITNESS EXCUSED.

Witnesses for the Nation.

Watt Whitmire, being duly sworn, testified as follows:

MR HASTINGS:

- Q. What is your name? A. Watt Whitmire.  
Q. What is your post office? A. Westville.  
Q. What is your age? A. 53.  
Q. Are you a Cherokee by blood? A. Yes sir.  
Q. What was your father's name? A. Johnson Whitmire.  
Q. What was your mother's name? A. Charlotte.  
Q. Was your mother living when the war came up? A. No sir.  
Q. How long had she died before the war? A. I don't recollect.  
I was just an infant when she died. I think she died about ten years before the war.  
Q. Had your father remarried when the war came up? A. Yes sir.  
Q. What was his wife's name then? A. Temple.  
Q. Did you have any brothers and sisters living when the war came up? A. Yes sir. I had one full brother by the name of William, older than me, and then I had some half brothers, names George and Ellis, and a sister named Charlotte.  
Q. Do you know this applicant that goes by the name of Martha Albert? A. If I ever saw her before I don't know it.  
Q. Did your father own some colored people when the war came up? A. Yes sir.  
Q. Did he own one called Nancy when the war came up? A. No sir.  
Q. Did your father own this colored applicant, who claims that she is the daughter of Nancy, when the war came up? A. There was no Nancy on the place.  
Q. Did your father own this applicant? A. No sir, she wasn't on the place.  
Q. Were you living with your father when the war came up? A. Yes sir.  
Q. How far were you living from Barren Fork? A. Right at two miles.  
Q. On which side of the creek? A. South side.  
Q. Did you ever live on the north side of Barren Fork? A. No sir.  
(none)  
Q. Do you know Andy Alberty, whose post office is Stilwell? A. Yes sir.  
Q. He has just testified upon the stand that your father owned a nigger slave by the name of Nancy and this applicant, who was the child of Nancy when the war came up. Was that true? A. No sir, he never owned no woman by the name of Nancy.  
Q. How far did Andy Alberty live from your father when the war came up? A. As near as I can guess it, it was 7 or 8 miles.  
Q. What kind of a house did your father live in? A. A double log house.  
Q. You say your own mother was dead? A. Yes sir.  
Q. Was your stepmother living when the war came up? A. Yes sir.  
Q. What became of your father's slaves? A. When father went south we left the women folks all at home. The men had all gone north before we left home. Me and my brother, George, were the last ones to leave the place, and we left all the women folks on the place, and after we left they all went north.

- Q. None that you owned went south? A. Not one.
- Q. Where did you go during the war? A. Down on Red River on the Choctaw side.
- Q. Did you know Cornelius Wright? A. Yes sir.
- Q. Did you know his son, Cale? A. Yes sir.
- Q. How far did they live from you? A. Some five or six miles.
- Q. On what side of Barren Fork? A. On the southeast side from us.
- Q. Did you see them down on Red River during the war? A. Yes sir.
- Q. Did they have some slaves down there? A. Yes sir.
- Q. Did they have a woman by the name of Nancy? A. If they did I don't know it.
- Q. Did you ever see this applicant down there? A. No sir.
- Q. Did you ever see her anywhere before? A. No sir, this is the first time I ever saw her.
- Q. How long were you all and Cornelius Wright's people together in the Choctaw Nation? A. I don't know. We moved away and left them there. We moved there in the early fall and left early the next spring, and we left Cornelius Wright's folks living there.
- Q. They were related to you? A. Yes sir.
- Q. You know that Cornelius Wright didn't have any slave of your father's by the name of Nancy, down there? A. No sir.
- Q. Did you ever know the alleged father of this applicant who she said went by the name of Charley Bowland? A. No sir.
- Q. Was he in your neighborhood before the war? A. I never heard of him.
- Q. Did you see him down on Red River during the war? A. No sir.

MR. NEAL:

- Q. You say you and your brother went off and left the women folks there? A. Yes sir.
- Q. You mean the slaves? A. Yes sir.
- Q. You also said that they all went north? A. Yes sir.
- Q. Do you know where they went? A. I don't know only what they told me. After the war they told me they went to Fort Scott. One of the men told me that.
- Q. You don't know of your own personal knowledge, where they went? A. No sir, I just have their word.
- Q. You say that one of the men told you? A. Yes sir, Dick and Mose both told me that the women folks were all in Fort Scott.
- Q. You said the men folks all went north? A. Yes sir, they went north first -- before we left.
- Q. All you know about where the women folks went is what Dick and Mose told you, and they left before you did? A. Yes sir.
- Q. You say your father didn't own any slave by the name of Nancy? A. No sir.
- Q. Did he own one by the name of Nannie? A. Yes sir, there was a little girl by the name of Nannie.
- Q. How old do you say you are? A. 53.
- Q. That would make you how old when the war broke out? A. Between 9 and 10.
- Q. You were acquainted with all of your father's slaves, were you? A. Yes sir.
- Q. Knew all of the children? A. Yes sir.
- Q. How many children did Rachel have? A. 3 or 4 -- I don't know just exactly whether it was 3 or 4.
- Q. How many children did Sookie have? A. There was Charlotte, Lisa, Abby, and Mary.
- Q. There was a slave there named Fronie? A. Yes sir, but I have forgot which woman was her mother.

- Q. How many children did Fronie have? A. One.
- Q. Of your knowledge, you don't know where your father's slaves went? A. Not only what they told me. They told me they went north.
- Q. You never have seen any of the women folks since then? A. Not since the war.
- Q. You don't know where they are now, do you? A. Not for certain. I never have been right to their houses.
- Q. You never have spoken to one of the negro women that belonged to your father, since the war? A. No sir.
- Q. The only slaves of your father's that you have seen are Mose and Dick? A. Yes sir.
- Q. How many slaves did your father have when the war broke out? A. I would have to count them up.
- Q. About how many? A. I guess there were 18 or 20, children and all.
- Q. You have named four children of Rachel's --- A. As well as I recollect, I said there were that many.
- Q. Five of Sookie's? A. Yes sir.
- Q. And one of Fronie's? A. Yes sir.
- Q. How many more children were there? A. There was one by the name of Charlotte that had one or two children I think.
- Q. Do you think that, being only 9 or 10 years old, you would recognize a woman 55 or 60 years old who was a girl at the outbreak of the war? A. I guess not.
- Q. Then you don't know anything about Martha Albert -- anything about who she is, or anything about her? A. No sir.
- Q. If she belonged to your father you don't know it? A. No sir.

MR. HASTINGS:

- Q. You know your father didn't have a grown woman, with children, by the name of Nancy when the war came up? A. No sir, he didn't.

COMMISSION:

- Q. You have testified in this case before? A. Yes sir.
- Q. Are you the Watg Whitmire that testified at Fort Gibson in 1901? A. Yes sir.
- Q. Do you know this man, Dillingham? A. No sir, I have heard of him frequently.
- Q. Did he live in your neighborhood? A. I think not. I have heard my father speak of him.
- Q. You do not know how near he lived to your home, do you? A. No sir, I know the place they said he lived on.
- Q. You know this Andy Alberty that testified here awhile ago? A. Yes sir.
- Q. Did you know him before the war? A. No sir.
- Q. When was the first time you ever knew him? A. Since the war I got acquainted with him.
- Q. You don't know whether he was in the habit of visiting your father's house or not? A. No sir.
- Q. Your mother's name was Lottie? A. Charlotte.
- Q. You belonged to the second marriage? A. No, the first.

MR. NEAL:

- Q. How long before the war was it that your father married Tempie? A. I don't recollect just when it was. I was a boy, up and running around, I guess two or three or four years old. It was any way, three or four years before the war.
- Q. You were about 9 or 10 when the war broke out? A. Yes sir.



MR. HASTINGS:

- Q. Was there any other Johnson Whitmire living around there before the war? A. No sir.

COMMISSION:

- Q. Do you know what year it was that you went to Red River? A. No sir, I don't.  
Q. What is your best judgment as to what year it was? A. It would have to be a round about guess. I guess it was the second year of the war.  
Q. Do you remember distinctly about going to the Choctaw Nation? A. Yes sir.  
Q. You remember the trip down there, and the people you met down there? A. Yes sir.

WITNESS EXCUSED.

Cale Wright, being duly sworn, testified as follows:

MR. HASTINGS:

- Q. What is your name? A. Cale Wright.  
Q. Where do you live? A. Tahlequah.  
Q. How old are you? A. I am 59.  
Q. What was your father's name? A. Cornelius Wright.  
Q. Were you living with your father when the war came up? A. Yes sir.  
Q. Where? A. About 3 or 4 miles west of Dutch Mills, on the Cherokee side.  
Q. What District? A. Going Snake.  
Q. How far from Barren Fork? A. About two and a half miles, I guess.  
Q. Where did your father go during the war? A. South.  
Q. Did you go with him? A. I didn't exactly start with him, but I got with him at Fort Smith when he was on the way.  
Q. Did you continue on the trip with him? A. Yes sir.  
Q. Where did you go to? A. The first place we stopped at was Armstrong's Academy in the Choctaw Nation, then we moved from there down to 10 miles south of Doaksville, near Red River.  
Q. Do you know this applicant, Martha Albert? A. No.  
Q. She has testified that she and her mother, Nancy went south with your father during the war, and that her mother, Nancy, belonged to Johnson Whitmire, as well as herself, at the beginning of the war? Is that True? Did a Nancy Whitmire, who had one or two children, go south with your father? A. They were not with him when I came up with him.  
Q. Did they have a Nancy Whitmire anywhere on that trip? A. No sir.  
Q. Were you ever about Johnson Whitmire's place before the war? A. Yes sir, I boarded there and went to school two sessions.  
Q. And you lived in his neighborhood? A. Yes sir, within five miles.  
Q. Did Johnson Whitmire have some slaves? A. Yes sir.  
Q. Did he have a slave by the name of Nancy who had some children when the war came up? A. No sir, I never heard of that name while I was there going to school.  
Q. You lived in the same neighborhood? A. Yes sir.  
Q. You are related to Johnson Whitmire? A. I suppose we were distantly related, but I don't know how much.  
Q. You do not know the degree of relationship? A. No sir.

- Q. Did you ever see this applicant down south after the war or during the war? A. I am just looking at her. Let me talk to her some and see.
- Q. Are you satisfied, from the conversation that you have had with her, that she was with your father down south? A. No, she could not have been.
- Q. Did you know this Andy Alberty? A. Yes sir.
- Q. How far did he live from Johnson Whitmire before the war? A. It must have been 8 miles, across the mountain.
- Q. You swear positively that you father did not have a woman by the name of Nancy, and her child, that belonged to Johnson Whitmire, down on Red River during the war? A. No sir.

Applicant to witness --- Was Arthur with you? A. No.

- Q. Was Rose? A. Yes, there was a Rose -- Lucindy's daughter.
- Q. Was Jinnie with you? A. Jinnie died in '61.

MR. HASTINGS:

- Q. You know that no Nancy Whitmire went south with your father? A. No sir.

MR. NEAL:

- Q. You said just now that you judge from your conversation with the applicant, that she couldn't have been with your father down there? A. No sir, she couldn't.
- Q. The reason that you say she was not with your father is because she doesn't seem to know enough about the people? A. That is it.
- Q. Upon that you base your judgment? A. Yes sir.
- Q. There were a good many slaves that went with your father down there? A. Yes sir, several.
- Q. Did any of the Whitmire niggers go with your father? A. No. The Whitmire's went out there themselves and we all went to ourselves, and at last we all got into the same neighborhood before we started back.
- Q. You didn't go out the Territory at all? A. No, we stopped on the north side of the river in the Choctaw Nation.
- Q. You say that you boarded at Johnson Whitmire's and went to school, and you say he had no slave named Nancy -- name some of his slaves --- A. You call them off.
- Q. I want you to call them off? A. He had Hannah, Myra, Fronie, Rachel, Ibby, Mary, and there might have been some young ones, but those are the older ones.
- Q. Didn't he have one named Jane? A. Not that I know of.
- Q. Didn't he have one named Mattie? A. No.
- Q. Didn't he have one named Nannie? A. Well, I don't know, but if he did she must have been mighty small.
- Q. Didn't he have one named Sookie? A. Yes, there was one named Sookie.
- Q. Do you know the names of any of the men? A. Yes, there was Dick, Mose, Mike, Frank, and Mark.
- Q. What was Johnson Whitmire's wife's name when the war came up? A. Her name was Tempie.
- Q. Were you acquainted with his first wife? A. No, she was dead long before I could remember her.
- Q. How old were you when you boarded there? A. It was along in '50. I was a good big chap.
- Q. You remember the names of all of those slaves by having boarded there? A. Yes sir.
- Q. How far did you live from there? A. About 5 miles, I reckon. In our country we had what we called bridle ways that were

nearer, but it was about 5 miles around.

MR. HASTINGS:

- Q. Did you mean in the year '50 or between '50 and '60? A. Yes sir, that is it -- between '50 and '60.
- Q. About how long before the war? A. I couldn't tell that. The war broke out in '61, and it must have been three or four years before the war.
- Q. Were you there frequently besides boarding there? A. Yes sir.

MR. NEAL:

- Q. You said when you were south on Red River that the Whitmire folks got into the same neighborhood? A. Yes sir.
- Q. And some of the slaves were there? A. Yes sir.
- Q. Old man Johnson Whitmire didn't carry out any slaves? A. I think George had a slave or two.
- Q. You say that none of Johnson Whitmire's slaves were there? A. No, they all went north.

COMMISSION:

- Q. Have you ever seen this woman before, to your knowledge? A. No sir, I don't know anything about her.
- Q. How far do you live from Melvin? A. I live up to Tahlequah, and I don't know just how far it is.
- Q. Do you know any of these applicants --- any of this woman's children? A. No sir.

WITNESS EXCUSED.

J. W. Alberty, being duly sworn, testified as follows:

MR. HASTINGS:

- Q. What is your name? A. J. W. Alberty.
- Q. What is your post office? A. Westville.
- Q. How old are you? A. Well sir, I will be 71 years old the 26th day of July.
- Q. This is the case of Martha Albert, in which you have given testimony before? A. Yes sir.
- Q. You knew Johnson Whitmire before the war? A. Yes sir.
- Q. How far did you live from him? A. Six or seven miles.
- Q. You testified about the sale of some slaves to a man by the name of Dillingham? A. Yes sir.
- Q. About when did he sell them to Dillingham? A. It was either in '47 or '48.
- Q. Do you know this applicant here? A. No sir.
- Q. She has testified that her mother was named Nancy and that her father was named Charley Bowland. Did you know the Nancy, the alleged wife of Charley Bowland? A. Yes sir.
- Q. Who did she belong to? A. Old man Dillingham moved the Texas and took this family with him.
- Q. To whom did she previously belong? A. To Johnson Whitmire.
- Q. And Dillingham acquired her from Johnson Whitmire in the year of 1847 or 1848? A. Yes sir.
- Q. Are you certain that her name was Nancy? A. Yes sir.
- Q. What became of Charley Bowland? A. He went with Dillingham.
- Q. Do you know whether Nancy had some children? A. She had two or three.
- Q. You don't know whether this applicant was one of them or not? A. No sir.

- Q. Did Johnson Whitmire have a grown slave by the name of Nancy when the war came up? A. No sir, not that I know of.
- Q. You were familiar with him? A. Yes sir.
- Q. Are you prepared to say that Charley Bowland was not in that country when the war came up? A. Yes sir.
- Q. Do you know Andy Albesty? A. Yes sir.
- Q. Is he a relative of yours? A. Yes sir.
- Q. Where did he live before the war? A. He lived right close to Oak Grove school house.
- Q. How far from Johnson Whitmire's? A. Between 7 and 8 miles.
- Q. Then Nancy, the wife of Charley Bowland, was taken south? A. Yes sir.
- Q. What was the citizenship of Dillingham? A. He wasn't no citizen at all, he was just a white man.
- Q. Well, he was a United States citizen, A. Yes sir.
- Q. Where did he live in '49 or '50? A. Before he went to Texas he lived in Arkansas.

MR. NEAL:

- Q. You lived closer to Dillingham than you did to Johnson Whitmire didn't you? A. Yes sir.
- Q. You were better acquainted with Dillingham's slaves than you were with Johnson Whitmire's? A. Yes sir.
- Q. You knew more about this woman after Dillingham bought her than you did when she belonged to Johnson Whitmire? A. Yes sir.

WITNESS EXCUSED.

Jeff Catcher (Tik-nee-sky), being duly sworn, testified as follows:

MR. HASTINGS:

- Q. What is your name? A. Jeff Catcher.
- Q. What is your post office? A. Stillwell.
- Q. How old are you? A. I was 65 the 15th day of last month.
- Q. Are you a Cherokee citizen? A. Yes sir.
- Q. You are also known as Jeff Tik-nee-sky? A. Yes sir, that is my Cherokee name.
- Q. Where did you live before the war? A. In Going Snake District on Pea Vine.
- Q. Close to where you live now? A. About 300 yards west of where I live now.
- Q. Did you know Johnson Whitmire before the war? A. Yes sir.
- Q. How far did you live from him? A. It was about three quarters of a mile, I reckon, maybe a leetle over.
- Q. Were you a soldier in the Army? A. Yes sir.
- Q. You were about grown when the war came up? A. Yes sir.
- Q. Did Johnson Whitmire have some slaves? A. Yes sir.
- Q. Did he have a grown woman by the name of Nancy, who had some children, when the war came up? A. No sir, I don't recollect one by that name.
- Q. Were you frequently at his house? A. Pretty near all the time. Once a week anyhow. I was there pretty much all the time.
- Q. Do you know this applicant, who gives her name as Martha Albert? A. No sir.
- Q. Did you ever see her before? A. No sir.
- Q. Did you know a white man that lived across the line by the name of Dillingham before the war? A. No, I never saw him, but I



- have heard him talked of a good deal.
- Q. You were too small to remember him? A. Yes sir, but I have heard of him.
- Q. You don't know whether he bought some slaves of Johnson Whitmire or not? A. I don't know. He didn't after I got big enough to recollect.
- Q. Did Johnson Whitmire, when the war came up, have a woman by the name of Nancy? A. No sir.
- Q. What army were you in? A. The Federal army.
- Q. Do you know Andy Alberty? He just testified here awhile ago? A. Yes sir.
- Q. How far did he live from Johnson Whitmire? A. Between 7 and 8 miles.
- Q. Did you know a free colored man in that country by the name of Charley Bowland? A. I have heard of him, but I don't recollect him.
- Q. He wasn't there just before the war? A. No sir.

MR. NEAL:

- Q. You say that you don't remember a woman named Nancy that belonged to Johnson Whitmire? A. No sir.
- Q. You don't mean to say that he didn't have one by that name, but that you just don't remember her? A. If he had one it must have been a small child, for I know all the old ones. I think I can name all the old ones.
- Q. Name them? A. The old women that I knew was Myra, Ma, Sookie, Hannah, Rachel, Fronie, Mary, Charlotte, and the balance were small and I don't recollect their names.

MR. HASTINGS:

- Q. Was Andy Alberty over to see you lately to see about this case? A. Yes sir, last Sunday.
- Q. What did he say to you? A. He asked me if I knew of Mr. Whitmire having a woman by the name of Nancy?
- Q. What did he say about it? A. He didn't say that he knew anything about it. He just wanted to find somebody that knew them.
- Q. Did he say that he knew one at that time by the name of Nancy? A. He didn't say whether he did or not? He just wanted to find somebody that did know her. I told him I didn't think Johnson Whitmire owned any nigger by that name.
- Q. That is the same Andy Alberty that you saw out there in the hall who has just testified here? A. Yes sir.

MR. NEAL:

- Q. As soon as Mr Alberty told you that he wanted to get witnesses who knew this woman who did you go and tell about it? A. I told him that there was an old woman up there, Susie Walkingstick, and that if anybody would know about it she would for she was older than I was. I said, for my part, I didn't know anythin' about it. Afterwards, I saw him and told him that what I knew was not in his favor, but will go against him, for I was there and knew all about his niggers.
- Q. You sent him around to see Susie Walkingstick, and told him that if he owned one by that name it was before you could remember? A. Yes sir.
- Q. And then you chased out to see if they wanted witnesses for the Nation? A. No sir.

COMMISSION:

- Q. How big a place did Johnson Whitmire have? A. About 75 acres in cultivation.
- Q. About how many slaves did he have at the beginning of the war? A. He must have had 15 or 20.
- Q. Was that the only place he had in the Cherokee Nation? A. Yes sir.
- Q. Did he have a plantation anywhere else? A. Nothing only a cattle ranch down about Webbers Falls. He and his brother George had a ranch together. They both owned slaves.
- Q. He didn't have any female niggers down at the ranch? A. No sir.
- Q. You are positive that those are the only two places he had? A. Yes sir.

WITNESS EXCUSED.

Charlotte Wright, being duly sworn, testified as follows:

MR. HASTINGS:

- Q. What is your name? A. Charlotte Wright.
- Q. What is your post office? A. Christie.
- Q. How old are you? A. 58.
- Q. What was your maiden name? A. Whitmire.
- Q. Who was your father? A. George Whitmire.
- Q. What relation was he to Johnson Whitmire? A. A brother.
- Q. Where did you live before the war? A. I lived on Barren Fork. West of the Barren Fork station and east of Christie.
- Q. How far from where you are living now? A. About a mile and a half.
- Q. You have lived there all your life? A. Except when I was south during the war.
- Q. Did you go south? A. Yes sir, we were gone four years.
- Q. Where did you go? A. To Red River -- near Bonham, only we were on the Choctaw side.
- Q. Did you know Cornelius Wright before the war? A. Yes sir.
- Q. Did you see him down on Red River? A. Yes sir.
- Q. Do you know Gale Wright? A. Yes sir.
- Q. You saw these people down south during the war? A. Yes sir, we got to be neighbors down there.
- Q. Did Johnson Whitmire have some slaves before the war? A. Yes sir.
- Q. Do you know this applicant here? A. I don't recognize her.
- Q. Did Johnson Whitmire have a grown woman slave by the name of Nancy when the war came up? A. I don't remember her.
- Q. Was there a free colored man in the neighborhood, by the name of Charley Bowland, when the war came up? A. I never heard of it.
- Q. This applicant gives her mother's name as Nancy and her father's name as Charley Bowland? A. I never knew them.
- Q. Do you state that Johnson Whitmire had any slave by the name of Nancy, who had some children, when the war came up? A. If he did I don't know it.
- Q. He was your uncle? A. Yes sir.
- Q. Were you frequently at his house? A. Yes sir.
- Q. How far did your father live from him? A. I guess it was 5 or 6 miles.
- Q. You lived in the same neighborhood? A. Yes sir.
- Q. And you were frequently at your uncle's place? A. Yes sir.
- Q. Would you stay any length of time? A. As long as a week.
- Q. You knew his family and slaves? A. Yes sir.

- Q. They never had one by the name of Nancy that you know of? A. No sir.
- Q. Did you see any slaves down south with Cornelius Wright, and among them one named Nancy who claimed to belong to your uncle Johnson before the war? A. No sir, none of his slaves went south that I know of. They all left him.
- Q. You didn't see any down there that claimed to have belonged to him? A. No sir.
- Q. You do not remember to have ever seen this applicant before? A. No sir.

MR. BEAL:

- Q. You have not seen any of Johnson Whitmire's female slaves since the war, have you? A. No sir.
- Q. You probably wouldn't remember a girl that was 4 or 5 years old? A. I think I would recognize her. I could be mistaken, but I think I would recognize her.
- Q. How old were you when the war broke out? A. I was 14 years old when we had to leave home.
- Q. You say that if Johnson Whitmire had a slave by the name of Nancy you don't know anything about it? A. No sir.
- Q. You don't know that he didn't have any one by that name, but you just don't know about it? A. I never saw one by that name on the place, and I don't think he had one by that name. I don't recollect anything about it, and never heard anything about it.
- Q. You don't know positively that he didn't have one by that name? A. No sir, he didn't have one by that name that I knew of. He didn't have one at home, and I don't think he had any away from home. I never heard of it if he did. But I know there was no one on the place by that name.

WITNESS EXCUSED.

Charles Whitmire, being duly sworn, testified as follows:

MR. HASTINGS:

- Q. What is your name? A. Charles Whitmire.
- Q. What is your post office? A. Prector.
- Q. How old are you? A. 56 I reckon.
- Q. Are you younger than your sister Mrs. Wright? A. Yes sir.
- Q. She was your sister? A. Yes sir, she was always recognized as my sister.
- Q. You are the son of George Whitmire? A. Yes sir.
- Q. Johnson Whitmire was your uncle? A. Yes sir.
- Q. Do you remember Johnson Whitmire before the war? A. Yes sir.
- Q. About how old were you when the war came up? A. I couldn't tell you -- 12 or 14 I guess.
- Q. Were you about Johnson Whitmire's frequently? A. Yes sir, I stayed there a right smart and went to school from his house.
- Q. Did Johnson Whitmire have some slaves? A. Yes sir.
- Q. Did he have a grown woman slave who had some children, by the name of Nancy, when the war came up? A. Not that I remember.
- Q. Well, if he had had one that was old enough to be, and was the mother of some children would you have known it? A. Yes sir, I think I knowed all of the older ones.
- Q. Do you know this applicant here? A. No sir.
- Q. Did you ever see her before? A. Not that I remember.
- Q. Did you ever know a free colored person by the name of Charley



- Bowland is that country? A. No sir.
- Q. Then of course you never knew his wife, Nancy? A. No sir.
- Q. Did you say that you stayed at Johnson Whitmire's and went to school? A. Yes sir.
- Q. Do you know Johnson Whitmire's wife and family? A. Yes sir.
- Q. Is Watt one of the children? A. Yes sir.
- Q. Where did you go during the war? A. I went south to Red River.
- Q. Did you know Cornelius Wright? A. Yes sir.
- Q. Did you see him down there? A. Yes sir.
- Q. Was he Cale Wright's father? A. Yes sir.
- Q. Did he carry any of Johnson Whitmire's slaves down south with him? A. No sir.
- Q. It has been sworn that he took some of Johnson Whitmire's slaves and among them was this woman, Nancy, and this applicant. Is that true? A. If he did, he didn't have them when we got to where they were.
- Q. You were not old enough to know a white man by the name of Dillingham, were you? A. No sir.

MR. NEAL:

- Q. How old did you say you are? A. 56, if I am not mistaken.
- Q. You are older than your sister? A. No sir.
- Q. Who else was boarding down there and going to school? A. Nobody but me and his boy went to school. Sometimes aunt Tempie had two sisters that stayed there and went to school.
- Q. When were you there? A. I don't know.
- Q. Were you there off and on for four or five years before the war? A. I don't know.
- Q. Did you stay there more than one year? A. I went from there for two or three sessions.
- Q. You never happened to be there when anybody else was boarding there? A. I was there when aunt Tempie's sisters were there. I don't remember any body else.
- Q. How many years before the war was it? A. I am not able to tell you what year it was. I stayed at home some, and then I didn't get to go to school but very little.
- Q. Your cousin, Cale, boarded down there and went to school, didn't he? A. I couldn't say whether he did or not. If he went to school, from there when I did I don't remember it.
- Q. You said that you were of the opinion that Johnson Whitmire had no slavery; the name of Nancy who was old enough to have children at that time? A. No sir.
- Q. If he did, you don't remember it? A. No sir. I don't remember any of the folks on the place calling one by that name.

MR. HASTINGS:

- Q. If there had been one there by that name would you have known it? A. Yes sir.

MR. NEAL:

- Q. You would remember it all these years would you? A. I don't know, but I think I would. I remember the names of all of the older ones.

COMMISSIONER:

- Q. Where was this school? A. On Barren Fork, on Pea Vine.



- Q. How far from Johnson Whitmire's? A. About a mile and a half.
- Q. Who had this school? A. An old missionary lady taught the school. I don't remember her name.
- Q. Was it a kind of a convent school? A. It was kept up by the Cherokee Nation. It was a public school.
- Q. How far away was the nearest school to it? A. I couldn't say positively just how far away. I expect it was 8 miles. I wouldn't be positive, but I expect it was that far.
- Q. Was Johnson Whitmire in the habit of taking boarders to attend school? A. Yes sir, and so did my father.
- Q. You were convenient to the school, and the people from the neighboring vicinity sent their children over there to board and go to school. A. Yes sir.

MR. NEAL:

- Q. You say your father kept boarders? A. Yes sir.
- Q. How did it happen that you didn't board at home? A. My uncle had a boy, and had nobody to go to school with him, so I was sent over to go to school with this boy.
- Q. How near did your father live to the school? A. About four miles, but he built a house about three quarters of a mile from the schoolhouse where he kept the teacher and boarders.

WITNESS EXCUSED.

(Mr. Neal -- I would like that the case be held open until I can introduce one other witness, the Martha Williams who was actually sold to Dillingham, and if I can get her, I will bring Susie Walkingstick.

By consent and agreement, this case is continued to May 11, 1905, at 1:30 o'clock, P. M.

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Eula Jeanes Branson, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause on the 27th day of April, 1905, and that the above and foregoing is a full and complete transcript of her stenographic notes taken in said cause on said date.

(Signed) Eula Jeanes Branson.

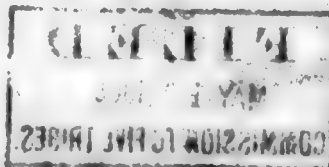
Subscribed and sworn to before me this the 29th day of April, 1905.

(Signed) Myron White  
Notary Public

Mabelle Cohenour, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy, and that the same is a true and complete copy of the original transcript.

Subscribed and sworn to before me this 19th day of May, 1905.

  
Notary Public.



**FILED**

MAY 18 1905

COMMISSION TO FIVE TRIBES

Cherokee Freedmen R-418 to  
431, inclusive.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Muskogee, Indian Territory, May 11, 1905.

In the matter of the application for the enrollment of  
Martha Albert et al. as Cherokee Freedmen.

Neal & London, attorneys for applicants.

Bell, Hastings & Davenport, attorneys for the Cherokee Nation.

COMMISSION.

On this, the 11th. day of May, this cause coming on to be  
heard, the applicants appear neither in person nor by attorney.  
The Cherokee Nation, represented by W. W. Hastings, introduces the  
following testimony:

Aaron Whitmire, being duly sworn, testified as follows on  
behalf of the Cherokee Nation:

MR. HASTINGS:

- Q. Your name is Aaron Whitmire? A. Yes sir.  
Q. You are a freedman citizen of the Cherokee Nation? A. Yes  
sir.  
Q. How old are you? A. About 69.  
Q. To whom did you belong when the war came up? A. George  
Whitmire.  
Q. What relation was George to Johnson Whitmire? A. They were  
brothers.  
Q. How far apart did they live? A. About four miles when the  
war came up.  
Q. In what District? A. Going Snake.  
Q. Did they use to live together? A. Yes sir, till they  
married.  
Q. Were you familiar with Johnson Whitmire's slaves? A. Yes sir.  
Q. Did you ever know a slave that he had there by the name of Nancy  
who had Charley Rowland, a free colored man, for her husband?  
A. Yes sir.  
Q. What became of Nancy? A. She was sold to a man by the name  
of Dillingham.  
Q. What was Dillingham's citizenship? A. A citizen of the  
United States.



- Q. Where did he live? A. Right on the line of -- or close to the line of Arkansas.
- Q. Did this Nancy have any children when she was sold? A. I think she had one, is all I can recollect.
- Q. What was that child's name? A. Martha.
- Q. Now, I refer to the Nancy who had a husband by the name of Charley Bowland, a free colored man? A. Yes sir, and so do I.
- Q. About how long before the war was it that she was sold to Dillingham? A. As near as I can recollect, it must have been 8 or 10 years or more.
- Q. Did Dillingham continue to live over there in Arkansas till the war came up? A. No sir.
- Q. What became of him? A. He went to Texas before the war came up.
- Q. Aaron, it has been alleged here that Johnson Whitmire had another Martha whose mother was Dicy, and that Dicy and that Martha were sold instead of this Martha and Nancy. Did he have another woman by the name of Dicy? A. Yes sir.
- Q. Did he have her when the war came up? A. No sir, she was dead.
- Q. Did he sell her to Dillingham? A. No sir.
- Q. When did she die? A. Before the war, and before Nancy was sold.
- Q. Did Dicy have any children? A. One.
- Q. What was its name? A. Cinthy.
- Q. What became of Cinthy? A. She was sold to a man by the name of Russell, who lived in Arkansas.
- Q. About how long before the war was she sold? A. 6 or 8 years.
- Q. Did Johnson Whitmire have any other Dicy? A. No sir, never did.
- Q. Did you ever hear of his selling a Dicy to Dillingham? A. No sir.
- Q. Did you ever hear of his selling a little girl by the name of Martha, besides this one? A. No sir, this was the only Martha on the place.
- Q. Did he have a Martha when the war came up? A. No sir.
- Q. Did you ever see the applicant who gives her name as Martha Albert, who is the wife of Collie Albert? A. I haven't seen her since she was sold.
- Q. Did Charley Bowland go to Texas? A. Yes sir.
- Q. Was he in the Going Snake country when the war came up? A. No sir, I never did see him after he went to Texas.
- Q. What became of Johnson Whitmire's slaves? Did any of them go to Texas? A. No sir.
- Q. What became of his women slaves? A. They went north.
- Q. Who took them north? A. They went off with the soldiers.
- Q. How long did you remain up there at the old Whitmire place? A. Till '64.
- Q. Then you went to Kansas? A. Yes sir.
- Q. Had all of Johnson Whitmire's slaves gone off north with the soldiers? A. All but two, and they were with me. They were two very old women -- Amy and Myra.
- Q. Had Cornelius Wright gone south? A. Yes sir.
- Q. He took his slaves with him? A. Yes sir.
- Q. Did Johnson Whitmire have any other Nancy or Nannie other than the one he sold to Dillingham? A. Yes sir, he had a little girl called Nannie.
- Q. Who was her mother? A. Sooky.
- Q. What was Sooky's name? A. Smith.
- Q. What was her husband's name? A. Mose Smith. He is dead.
- Q. Where does she live? A. Up here on Big Creek in Coover-  
coover District.

- Q. How many slaves did Johnson Whitmire have at the beginning of the war? A. He had some 20 or 25.
- Q. Can you give their names? A. I could name the old ones.
- Q. Give me the names? A. The first old woman was Amy, Myra, Hannah, Sooky, Kizzy, Mike, Dick, Martin, Mose, Saphronie, Rachel, Charlotte, Liza, Aby, Frank, Nannie. That is about all I can recollect.
- Q. These are all the older ones? A. Yes sir.
- Q. The younger ones you do not remember? A. I cannot recollect them.
- Q. How many of these slaves do you know of that are living now, of these 15 or 16 you have just named? A. I don't know of but two that are living.
- Q. Where are they? A. Up on Big Creek.
- Q. What are their names? A. Nannie Smith and Frank Whitmire.
- Q. Where does Frank live? A. On Big Creek.
- Q. How old a man is he? A. I don't know just how old a man he is -- right at 60 I guess.
- Q. Do you know Martha Williams? A. No sir.
- Q. Are you positive now that at the breaking out of the war, Johnson Whitmire did not have a slave by the name of Martha? A. Yes sir.
- Q. Do you know whether he had a child slave by that name? A. No sir, there was not one by the name of Martha.
- Q. You know that of your own knowledge? A. Yes sir.
- Q. You mentioned in your testimony about a Nancy who had a daughter, called Martha, and that they were sold to Dillingham. Have you ever seen them since that time? A. I never have.
- Q. Do you know who this applicant is -- have you seen her? A. I don't know that I would know Martha if I saw her.
- Q. How far do you live from Fort Smith? A. I live away up near the Kansas line.
- Q. Did you say you knew Charley Bowland? A. Well.
- Q. Was he a free colored person? A. Yes sir.
- Q. And you know that he married one of Johnson Whitmire's slaves named Nancy? A. Yes sir.
- Q. You cannot be mistaken about that? A. No sir.

WITNESS EXCUSED.

# COMMISSION:

After the introduction of the above testimony by the Cherokee Nation, the attorneys for the applicants appeared, by their stenographer, Miss Sorenson, and filed with the Commission a motion for continuance.

# MR. HASTINGS:

The attorneys for the Cherokee Nation object to the motion for continuance, filed in this case, for a number of reasons, to-wit:

FIRST: -- This case has been continued a number of times upon motion and at the request of the applicants;

SECOND: -- The motion for continuance is not sworn to;

THIRD: -- The motion for continuance does not set up what is expected to be proven by the said Martha Williams, but only states that she is an important witness, and does not state what is expected

to be proven by her, so that the Commission can pass upon the materiality and admissibility of the testimony.

FOURTH: -- Because the certificate of the attending physician is not sworn to.

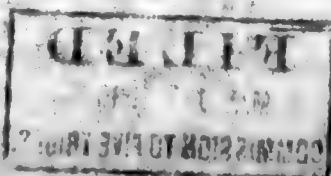
COMMISSION:

The motion for continuance will be taken under advisement and the attorneys will be notified by mail.

Eula Jeanen Branson, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause on the 11th. day of May, 1905, and that the above and foregoing is a full and complete transcript of her stenographic notes taken in said cause on said date.

*Eula Jeanen Branson*

Subscribed and sworn to before me this the 17th. day of May, 1905.



*[Signature]*  
Notary Public.



A. F. Mc.  
D. O. E.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of  
Martha Albert et al., as Cherokee freedmen, consolidating the  
applications of:

|                       |                          |       |
|-----------------------|--------------------------|-------|
| Martha Albert et al.  | Cherokee Freedmen (D 42) | R 418 |
| Robert Barnes         | " (D 90)                 | R 419 |
| Lula Knalls et al.,   | " (D 100)                | R 420 |
| Nancy Borkum et al.   | " (D 101)                | R 421 |
| Henry Albert et al.   | " (D 102)                | R 422 |
| John Barnes et al.,   | " (D 103)                | R 423 |
| Jerry Albert          | " (D 104)                | R 424 |
| Lillie White et al.,  | " (D 105)                | R 425 |
| Malinda McMain et al. | " (D 114)                | R 426 |
| Frank Gardner         | " (D 146)                | R 430 |
| Joshua Barnes         | " (D 150)                | R 427 |
| Sarah Brown et al.    | " (D 151)                | R 428 |
| Minnie Barnes         | " (D 152)                | R 429 |
| Maggie Bell et al.,   | " (D 152)                | R 431 |

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That applications for  
enrollment as Cherokee Freedmen were made to the Commission to the  
Five Civilized Tribes by Martha Albert for herself and minor chil-  
dren, Elijah and Ida Albert; by Robert Barnes for himself; by  
Lula Knalls for herself and minor children, Sarah French and  
Fred E. Knalls; by Nancy Borkum for herself and minor children,  
Annie and Walter Borkum; by Henry Albert for himself and minor



children, Harry and Raymond Albert, thereafter, on October 31, 1902, there was filed with the Commission an affidavit showing the birth, on June 4, 1902, of Lewey Albert, son of the applicant, Henry Albert; by John Barnes for himself and minor child, Gussie A. Barnes, thereafter, on August 20, 1902, there was filed with the Commission an affidavit showing the birth, on June 15, 1902, of John A. Barnes, son of the applicant, John Barnes; by Jerry Albert for himself; by Lillie White for herself and minor children, Mattie and Nancy White, thereafter, on July 1, 1902, there was filed with the Commission an affidavit showing the birth, on March 8, 1902, of Amos White, son of the applicant, Lillie White; by Charles McLain for his wife, Malinda McLain, and minor children, Samuel, Ella, Christiana, Charles, Turner and Jennetta McLain, thereafter, on September 1, 1901, there was filed with the Commission an affidavit showing the birth, on May 17, 1901, of Mattie McLain, daughter of the applicant, Malinda McLain; by Frank Gardner for himself; by Joshua Barnes for himself; by Sarah Brown for herself and minor child, Maggie Williams; by Minnie Barnes for herself; and by George C. Bell for his wife, Maggie Bell, thereafter, on November 7, 1901, there was filed with the Commission an affidavit showing the birth, on September 18, 1901, of George L. Bell, son of the applicant, Maggie Bell.

THE RECORDS FURTHER SHOW: That on January 11, 1904, the Commission rendered its decision herein, denying said applicants, except Mattie McLain, whose rights to enrollment, through an oversight, were not considered, the right to enrollment as Cherokee freedmen, and that on June 21, 1904 (Departmental letter I.T.D. 4732-04), said decision was duly affirmed by the Department; that, thereafter, on March 28, 1905 (Departmental letter I.T.D. 1332-05), on motion of the applicants, this case was reopened by the Department, and remanded for further testimony and readjudication; and that, thereafter, on April 13, and 27, and May 11, and June 22, 1905, further proceedings in the matter of said applications were had at Muskogee, Indian Territory.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant, Martha Albert, claims the right to enrollment as a Cherokee freedman by virtue of her compliance with the treaty stipulations of 1866, and that all the other applicants herein claim the same right as descendants of the said Martha Albert and one Jennie Barnes, deceased, who, it is alleged, complied with said treaty stipulations of 1866.

The following points are fully established by the evidence, no attempt having been made to disprove them:

(1) That the applicant, Martha Albert, and the said Jennie Barnes, deceased, were full sisters, and were born prior to the commencement of the rebellion.

(2) That all the other applicants herein were born since the commencement of the rebellion, are lineal descendants of the applicant, Martha Albert, and the said Jennie Barnes, deceased, and possess no rights to enrollment as Cherokee freedmen other than as such descendants.

(The records of this office fail to show that Ruth Barnes, mother of the applicants, Gussie A. and John A. Barnes, has ever made application for enrollment as a Cherokee freedman. Her mother, Millie White, and full sister, Viola White, and full brothers, Jim H. and Harry White, were originally listed for enrollment as Cherokee freedmen on Memorandum cards Nos. 10, 13, and 14, and were later transferred to Freedmen Rejected wards, Nos. 517, 320 and 321. On April 24, 1905, their applications for enrollment as Cherokee freedmen were denied by the Commission, and record forwarded to the Department.

George C. Bell, father of the minor applicant, George L. Bell, was denied enrollment as a Cherokee freedman, by the Commission, on April 20, 1904, and on May 26, 1904, -Departmental letter I.T.D. 4050-04, - the Commission's decision was approved by the Department).

THE EVIDENCE IN THIS CASE FURTHER SHOWS: That the applicant, Martha Albert, and the said Jennie Barnes, deceased, were neither the slaves of a Cherokee citizen, nor free colored persons residing in the Cherokee country at the commencement of the rebellion, but, rather, that several years prior to the commencement of said rebellion, they, together with their mother "Nancy", were sold to one Dillingham, a citizen of the United States, were removed from the Cherokee Nation, and it is further shown that they did not return to said Nation on or prior to February 11, 1867. Excepting the Wallace and Kern-Clifton Rolls, none of the applicants herein can be identified on any roll of the Cherokee Nation in the possession of this office.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, under the provisions of Section Twenty-one of the Act of Congress approved June 23, 1898 (30 Stat., 495), Martha Albert, Elijah Albert, Ida Albert, Robert Barnes, Lula Knalls, Sarah French, Fred E. Knalls, Nancy Borkum, Annie Borkum, Walter Borkum, Henry Albert, Harry Albert, Raymond Albert, Lacey Albert, John Barnes, Gussie A.

Barnes, John A. Barnes, Jerry Albert, Lillie White, Mattie White, Nappy White, Anna White, Malinda McLain, Samuel McLain, Ella McLain, Christiana McLain, Charles McLain, Turner McLain, Jemetta McLain, Mattie McLain, Frank Gardner, Joshua Barnes, Sarah Brown, Maggie Williams, Minnie Barnes, Maggie Bell and George L. Bell, are not entitled to enrollment as Cherokee freedmen, and their applications for enrollment as such are accordingly denied.

---

Commissioner

Dated at Muskogee, Indian Territory,

this \_\_\_\_\_

B

**DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.**

In the matter of the application of Martha Albert, et al.,  
for enrollment as Cherokee Freedmen, consolidating the applications  
of

|                         |       |                         |
|-------------------------|-------|-------------------------|
| Martha Albert, et al.,  | ..... | Cherokee Freedmen D- 42 |
| Robert Barnes,          | ..... | Cherokee Freedmen D- 99 |
| Lula Knalls, et al.,    | ..... | Cherokee Freedmen D-100 |
| Nancy Berkum, et al.,   | ..... | Cherokee Freedmen D-101 |
| Henry Albert, et al.,   | ..... | Cherokee Freedmen D-102 |
| John Barnes, et al.,    | ..... | Cherokee Freedmen D-103 |
| Jerry Albert,           | ..... | Cherokee Freedmen D-104 |
| Lillie White, et al.,   | ..... | Cherokee Freedmen D-105 |
| Malinda McLain, et al., | ..... | Cherokee Freedmen D-114 |
| Frank Gardner,          | ..... | Cherokee Freedmen D-146 |
| Joshua Barnes,          | ..... | Cherokee Freedmen D-150 |
| Sarah Brown, et al.,    | ..... | Cherokee Freedmen D-151 |
| Minnie Barnes,          | ..... | Cherokee Freedmen D-152 |
| Maggie Bell, et al.,    | ..... | Cherokee Freedmen D-153 |

**D E C I S I O N .**

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission, by Martha Albert, for herself and minor children, Elsie and Ida Albert; by Robert Barnes for himself; by Lula Knalls, for herself and minor children, Sarah French and Fred E. Knalls; by Nancy Berkum, for herself and minor children, Annie and Walter Berkum; by Henry Albert, for himself and minor children, Harry and Raymond Albert; that subsequent to the date of the original application a birth affidavit, which is made a part of the record herein, was filed with the Commission, showing the birth of Lowey Albert; by John Barnes, for himself and minor child, Cussie A. Barnes; that subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission, showing the birth of John A. Barnes; by Jerry Albert, for himself; by Lillie White, for herself and minor children, Mattie and Nancy White; that subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission, showing the birth of Ames White; by Charles McLain, for his wife, Malinda McLain, and minor children, Samuel, Ella, Christiana, Charles, Turner and Jeannette McLain; by Frank Gardner, for himself; by Joshua Barnes, for himself; by Sarah Brown, for herself and minor child, Maggie Williams; by Minnie Barnes, for herself; by George C. Bell, for his wife, Maggie Bell; that subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission, showing the birth of George L. Bell.





I hereby accept service of the within notice to take testimony. This May

15th 1901.

*Robert M. [Signature]*

Sd.

Attorney for the within named applicant.

1901

MAILED MAY 15 1901

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
FILED  
MAY 15 1901

*[Signature]*

ACTING CHAIRMAN

# NOTICE

In the matter of the application of Minnie Barnes, for enrollment as a Cherokee Freedman.

Case No. D. 152

To Minnie Barnes, or As S. McKee her attorney.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita

Indian Territory, on the following dates, to-wit: the 21st and 22nd

A. D. 1901, during the usual business hours of said commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands on this 15th day of May 1901.

L. B. Bell  
W. W. Hastings  
J. S. Davenport  
Attorneys for the Cherokee Nation.

United States of America, }  
Indian Territory, } s. s.  
Northern District.

I do solemnly swear that I delivered a true copy of the within notice to  
on the 15th day of May A. D. 1901.

Subscribed and sworn to before me this 15th day of May 1901.

Notary Public.

I hereby accept service of the within notice to take testimony. This May  
15th 1901.

*R. S. M. [Signature]*

Attorney for the within named applicant.  
[Illegible text]

at 1017

DEPT. OF THE INTERIOR

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
FILED  
MAY 15 1901

ACTING CHAIRMAN

42-16-2



FD/52

19 1900

# **NOTICE.**

## **Cherokee - Freedmen - Enrollment.**

The Commission to the Five Civilized Tribes will continue in session at

### **MUSKOGEE, IND. TER.,**

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Samuel Barnes,  
Benge, I.T.

Cherokee F-D-152  
Register.

TAMS BIXBY,  
T. B. NEEDLES,  
C. R. BRECKINRIDGE,

Commissioners.

MEMORANDUM OF THE SECRETARY

73.

F. D. 152.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED  
APR 23 1901



ACTING CHAIRMAN.

CHEROKEE FREEDMEN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date

Post Office

District

April 23 1901  
Benge, Okla.  
Sequoyah

1. Name

Age

Owner's name

Citizenship

Year

Page

No.

District

Parents:

Father

Citizenship

Mother

Citizenship

2. Name of wife

Age

Owner's name

Citizenship

Year

Page

No.

District

Parents:

Father

Citizenship

Mother

Citizenship

Names of Children:

non cit. colored  
Chas. B. Redman

|     |      |      |     |       |
|-----|------|------|-----|-------|
| 3.  | Year | Page | No. | Dist. |
| 4.  | Year | Page | No. | Dist. |
| 5.  | Year | Page | No. | Dist. |
| 6.  | Year | Page | No. | Dist. |
| 7.  | Year | Page | No. | Dist. |
| 8.  | Year | Page | No. | Dist. |
| 9.  | Year | Page | No. | Dist. |
| 10. | Year | Page | No. | Dist. |
| 11. | Year | Page | No. | Dist. |
| 12. | Year | Page | No. | Dist. |

Application made by

Stenographer

B. C. Jones

ref to Martha Albert 1042  
" " Robert Barnes 1044



COMMISSION TO THE FIVE CIVILIZED TRIBES  
DEPARTMENT OF THE INTERIOR

1801  
1811  
1821

THE CHAIRMAN

4-1-1

11/20/00 10:00 AM

COMMISSIONERS:  
HENRY L. DAWES.  
TAMM BIXBY.  
THOMAS B. NEEDLES.  
C. R. BRECKINRIDGE.

ALLISON L. AYLESBORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Vinita, Indian Territory, May 13th, 1901.

Received of the Commission to the Five Civilized Tribes one copy of the original testimony in the matter of the application of Minnie Barnes for enrollment as a Freedman of the Cherokee Nation, and one copy of the testimony in the matter of the application of Robert Barnes for enrollment as a Freedman of the Cherokee Nation; said testimony having been made a part of the record in the case of Minnie Barnes.

A. S. M. R. a

Attorney for Applicant.

Cherokee F-7D152.

COPY.

Cherokee F. D-152

Muskogee, Indian Territory, January 11, 1904.

Minnie Barnes,

Benge, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 11, 1904, rejecting, among others, your application for the enrollment of yourself as a Cherokee Freedman. There has heretofore been furnished your attorney, A. S. McRea, Muskogee, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

*T. B. Needles,*

Enc. D-43

Register.

Commissioner in Charge.

COPY.

Cherokee Freedmen  
D-42, et al.

Muskogee, Indian Territory, January 11, 1904.

A. B. McKee,

Attorney for Cherokee Nation,  
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 11, 1904, in the consolidated case of Martha Albert et al., rejecting the applications for the enrollment of Martha Albert, Elijah Albert, Ida Albert, Robert Barnes, Lula Khalis, Sarah French, Fred K. Khalis, Nancy Borkum, Annie Borkum, Walter Borkum, Henry Albert, Harry Albert, Raymond Albert, Leway Albert, John Barnes, Cussie A. Barnes, John A. Barnes, Jerry Albert, Lillie White, Mattie White, Nancy White, Amos White, Malinda McLain, Samuel McLain, Ella McLain, Christiansa McLain, Charles McLain, Turner McLain, Jennetta McLain, Frank Gardner, Joshua Barnes, Sarah Brown, Maggie Williams, Minnie Barnes, Maggie Bell and George L. Bell as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior



-2/

for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

*I. B. Needles.*

Commissioner in Charge.

Enc. D-50

Register.

COPY.

Cherokee Freedmen  
D-42, et al.

Muskogee, Indian Territory, January 11, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 11, 1904, in the consolidated case of Martha Albert et al., rejecting the applications for the enrollment of Martha Albert, Elijah Albert, Ida Albert, Robert Barnes, Lula Knalls, Sarah French, Fred E. Knalls, Nancy Borkum, Annie Borkum, Walter Borkum, Henry Albert, Harry Albert, Raymond Albert, Levey Albert, John Barnes, Gussie A. Barnes, John A. Barnes, Jerry Albert, Lillie White, Mattie White, Nancy White, Anne White, Melinda McLain, Samuel McLain, Ella McLain, Christiana McLain, Charles McLain, Turner McLain, Jennetta McLain, Frank Gardner, Joshua Barnes, Sarah Brown, Maggie Williams, Minnie Barnes, Maggie Bell and George L. Bell, as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be

made known to you as soon as the Commission is informed of the same.

Respectfully,

*T. B. Needles.*

Enc. T-21

Commissioner in Charge.

Cherokee Freedmen  
D-42, et al.

Muskogee, Indian Territory, January 11, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Martha Albert et al., including the Commission's decision, dated January 11, 1904, rejecting the applications for the enrollment of Martha Albert, Elijah Albert, Ida Albert, Robert Barnes, Lula Knalls, Sarah French, Fred E. Knalls, Nancy Berkum, Annie Berkum, Walter Berkum, Henry Albert, Harry Albert, Raymond Albert, Lowry Albert, John Barnes, Cassie A. Barnes, John A. Barnes, Jerry Albert, Lillie White, Mattie White, Nancy White, Amos White, Malinda McLain, Samuel McLain, Ella McLain, Christiana McLain, Charles McLain, Turner McLain, Jonnette McLain, Frank Gardner, Joshua Barnes, Sarah Brown, Maggie Williams, Minnie Barnes, Maggie Bell and George L. Bell, as Cherokee freedmen.

Respectfully,

*T. B. Needles.*

Commissioner in Charge.

Through the  
Commissioner of Indian Affairs.

Enc. D-29.

Refer in reply to the following

COPY

Land 1898-1904.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, June 9, 1904.

In re

Application for enrollment

as Cherokee Freedmen, viz:

|                        |          |
|------------------------|----------|
| Martin Albert, et al.  | F.D. 102 |
| Robert Barnes,         | F.D. 99  |
| Lula Smith, et al.     | F.D. 100 |
| Nancy Martin, et al.   | F.D. 101 |
| Henry Smith, et al.    | F.D. 102 |
| John Barnes et al.     | F.D. 103 |
| Jerry Albert           | F.D. 104 |
| Lillie White, et al.   | F.D. 105 |
| Malinda McCain, et al. | F.D. 114 |
| Frank Gardner          | F.D. 144 |
| Joshua Barnes          | F.D. 150 |
| Sarah Brown et al.     | F.D. 152 |
| Minnie Barnes,         | F.D. 156 |
| Haggie Bell, et al.    | F.D. 158 |

Consolidated,

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith the record of proceedings had before the Commission to the Five Civilized Tribes in the above consolidated cases of Martin Albert et al., affecting the rights of thirty six applicants for enrollment as Cherokee Freedmen. The Commission by its decision, dated January 11, 1904, denied the application of all the applicants in the above named cases, to be enrolled as Cherokee freedmen.



The record shows that applications for enrollment as Cherokee freedmen were made to said Commission by Martha Albert for herself and minor children Elijah Albert and Ida Albert; by Robert Barnes for himself; by Lela Halls for herself and minor children, Sarah French and Fred T. Halls; by Henry Barnes for herself and minor children, Annie Barnes and Walter Barnes; by Henry Albert for himself and minor children, Harry Albert and Raymond Albert; that subsequent to the date of the original application a birth affidavit, which is made a part of the record, was filed with the Commission, showing the birth of Lewis Albert; by John Barnes for himself and minor child, Susie A. Barnes, that subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission, showing the birth of John A. Barnes; by Jerry Albert for himself; by Lillie White for herself and minor children, Mattie White and Emma White; that subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission, showing the birth of Anna White; by Charles McLain for his wife, Malinda McLain and his minor children, Samuel, Ella, Christian, Charles, Turner and Jeannette McLain; by Frank Gardner for himself; by Joshua Barnes for himself; by Sarah Brown for herself and minor child, Maggie Williams; by Minnie Barnes for herself; by George C. Bell for his wife Maggie Bell, that subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission, showing the birth of George B. Bell.

claimants have their contention for a right to be

enrolled as Cherokee freedmen upon the claim made that the principal applicant Martha Albert and her sister, Jennie Barnes, now deceased, from whom the other applicants claim descent, were at the commencement of the War of the Rebellion the slaves of one Johnson Whitmire, a Cherokee citizen, that during the war these alleged slaves, Martha Albert and Jennie Barnes went South to Red river in the Cherokee Nation where they remained until the fall of 1864 when they claim to have returned with one Elias Harlin to the Cherokee Nation and settled with him on the Gale Starr place near Cherokee Junction. The evidence adduced shows that Johnson Whitmire and George Whitmire, brothers and Cherokee citizens, owned before the war several slaves, designated as the "Whitmire dorkies." The attempt to identify Martha Albert and Jennie Barnes as one of the "Whitmire dorkies" at the commencement of the war has signally failed.

Walt Whitmire, son of Johnson Whitmire, who claims to have known the names of all the slaves of his father, testified that he had no recollection of any two female girl slaves named Martha and Jennie and cannot even recall the fact that his father ever owned a slave named Nancy Whitmire, the mother of said girls. Harry Still whose master was George Whitmire, brother to Johnson Whitmire who only lived four miles distant and knew all the colored people raised by Johnson Whitmire, testified positively that Johnson Whitmire did not own a slave named Nancy Whitmire nor a slave named Martha Whitmire. J. V. Alberty who lived in the Going Snake district, Cherokee Nation

-4-

before the war and who well knew Johnson Whitacre from whom he lived a distance of ten or twelve miles, testified, that the Whitacre boys, George Whitacre and Johnson Whitacre, at the time they divided up their property in 1847 sold a slave named Nancy Whitacre with her whole family to a man named Dillingham who moved them with his family right across the line into Arkansas at a town called Dutch Town or Salem where he remained until he moved to Texas in 1850-1; that he knew the darkness "better after Dillingham got them than I did before" and that Dillingham only lived five miles from where witness then lived. It is evident that the principal applicant Martha Albert and her sister Jennie Barnes were living in Arkansas instead of the Cherokee Nation at the close of the war as Jennie Barnes' husband testified that he married her in November, 1866, at Fort Smith, Arkansas, where it appears Jennie Barnes was hired out and where her husband worked much of his time after marriage. Martha Albert claims to have married her husband in the Cherokee Nation during the war while her husband denies having married her until after his return to the Cherokee Nation. The death of Nancy Whitacre, the mother of the principal applicant Martha Albert, is shown to have occurred in 1866 but the place of her burial is not definitely shown. The belief that the principal applicant, Martha Albert was living in Arkansas and not in the Cherokee Nation as alleged by her, is further strengthened by the testimony of Mrs. Ruth Hunt nee Ruth Harlin and Mrs. Emma Finley nee Emma Harlin, daughters of Ellis Harlin

with whom it is claimed Nancy Whitacre and her two daughters, Martha and Jennie returned from the Cherokee Nation to the Cherokee Nation in November 1866. Mrs. Hunt and Mrs. Finley testify positively to the fact that their father Ellis Harlin did not return to the Cherokee Nation until February or March 1867, and that no colored people returned in his company, that the first time they ever saw Martha Albert was in the "summer of 1867" when their father "went over in Arkansas somewhere towards Van Buren and hired the man to come and work", that the man's name was Albert and his wife's name was Martha, that neither the man nor his wife ever claimed to have once been the slaves of Johnson Whitacre when witnesses knew before the war, nor did either claim to be a Cherokee freedman that they ever heard of, until the roll was taken at Vinita in 1896 and applicants are identified as former hired help. John Walton testified that Martha Albert's husband told him, "he found her at the Harlin place." If that be true and Martha Albert admits that on her return she first settled on the Galt Starr place on which Ellis Harlin lived it is evident that she did not return to the Cherokee Nation until the "summer of 1867." In view of all the facts and circumstances of this case, this office is of the opinion that the principal applicant Martha Albert and her sister Jennie Barnes now deceased, of whom the other applicants claim to be descendants, were not the slaves of Cherokee citizens at the commencement of the War of the Rebellion nor were they free colored persons in the Cherokee Nation at the commencement of the rebellion and were not

they been, which is denied, it is shown that they went out of the Cherokee Nation and did not return thereto prior to February 11, 1867, in contravention of the treaty of July 19, 1866, which provides:

"All freedmen who have been liberated by voluntary act of their former owners or by law, as well as all free colored persons who were in the country at the commencement of the rebellion and were now residents therein, or who may return within six months, and their descendants, shall have all the rights of Native Cherokees."

As the burden of proof lies upon claimants to establish their rights to recognition as Cherokee freedmen under the provisions of the treaty of July 19, 1866, and as they have failed to bring themselves within its purview, it follows that all of the foregoing applications as Cherokee freedmen must be denied.

We now come to the discussion of another point involved. It appears of record that the names of Martha Albert and her minor children Elijah and Ida are found upon the Kerns-Clifton roll while the names of several of the descendants are found upon the Wallace roll. None of the applicants names are to be found upon the authenticated roll of 1880 nor upon the census roll of 1890.

Attorney for applicants contends that as the name of Martha Albert and her minor children, Elijah and Ida appear upon the Kerns-Clifton roll, that such fact is conclusive of their rights as Cherokee freedmen and pleads res adjudicata to any action by the Commission. Such contention can not be maintained. Congress by Act of June 25, 1898, sec. 21, directed the commission



to the five civilized Tribes as follows:

"It shall make a roll of Cherokee freedmen in strict compliance with the decree of the Court of claims rendered the third day of February eighteen hundred and ninety-six."

The Court in its decree of February 1, 1896 (See P.4), instructed said Commission as follows:

"The said Commissioners in ascertaining the identity of the freedmen entitled to share under the decree, shall accept what is known as the authenticated Cherokee roll, the same now being on file in the office of the Secretary of the Interior, having been furnished to him and purporting to have been taken by the Cherokee Nation in 1860 for the purpose of showing the number of freedmen then entitled to citizenship in the said nation under the terms of the treaty between the United States and the Cherokee Nation heretofore referred to, and their descendants, and no evidence shall be accepted by said commission tending to disprove the citizenship of any of the persons whose names appear upon said roll", and supplementary thereto, Sec. 21, of the Act of June 28, 1896, states squarely the proposition that the roll of Cherokee citizens of 1860 (not including freedmen) is "the only roll intended to be confirmed by this and preceding Acts of Congress", thus in effect declaring that the plea of non est can not prevail unless the name of the applicant appears upon the authenticated roll of 1860 - which is not here claimed. Neither the fact of claimant's name appearing upon the Kerns-Clifton roll nor the fact of the names of her descendants

appearing upon the Willace roll, constituted any bar to further action by the Commission, as the Commission was expressly empowered by sec. 12 of the Act of June 20, 1900, to "investigate the right of all persons whose names are found on any other rolls and omit all such as may have been placed therein by fraud or without authority of law, enrolling only such as may have lawful right thereto." Thus the Commission was left free to act, as upon a new inquiry, to determine what freedmen, omitted from the roll of 1860 but "whose names are found on any other rolls" are entitled to the benefit of Article 12 of the treaty of 1866. For the foregoing reasons, I concur in the opinion of the Commission that the applications for enrollment of Martha Albert, Elijah Albert, Ida Albert, Robert Barnes, Lula Knull, Sarah French, Fred E. Knull, Henry Borkum, Annie Borkum, Walter Borkum, Henry Albert, Harry Albert, Raymond Albert, Leroy Albert, John Barnes, Cassie A. Barnes, John A. Barnes, Jerry Albert, Lillie White, Mattie White, Henry White, Anne White, Malinda McLain, Samuel McLain, Ella McLain, Christian McLain, Charles McLain, Turner McLain, Jennette McLain, Frank Gardner, Joshua Barnes, Maggie Hall and George L. Hall, as Cherokee freedmen, should be denied under the provisions of sec. 12 of the Act of Congress approved June 20, 1900 (36 Stat., 400), and it is recommended that the decision of the Commission therein, dated January 11, 1904, be affirmed.

Very respectfully,

A. G. Tanner,

Acting Commissioner.

D.C. 11575-1904

I.T.D. 8728-1904.

L R S

V.C.J.

J.N.

THE

DEPARTMENT OF THE INTERIOR,

WASHINGTON, June 21, 1904.

Commission to the Five Civilized Tribes,

Okmulgee, Indian Territory.

Gentlemen:

January 11, 1904, you transmitted the records the consolidated case embracing the applications of Martha Albert et al (V.D. 44), for enrollment as Cherokee freedmen, including your decision of the same date, rejecting the applications.

Reporting June 9, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department affirms your decision, for the reasons stated therein.

Respectfully,

(Signed) E. A. Mendenhall,

Secretary.

2 inclosures.

Cherokee Freedmen

D-152.

Muskogee, Indian Territory, June 28, 1904.

Minnie Barnes,

Benge, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision, dated January 11, 1904, rejecting, among others, your application for the enrollment of yourself as a Cherokee freedman, was affirmed by the Secretary of the Interior on June 21, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen

D-42 et al.

Muskogee, Indian Territory, June 22, 1904.

A. S. McKee,

Attorney for Martha Albert, et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated January 11, 1904, rejecting the applications for the enrollment of Martha, Elijah, Ida, Albert; Robert Barnes; Lula Knalls, Sarah French; Fred E. Knalls; Henry, Harry, Raymond, Levey, Albert; John, Cassiah; John A., Barnes; Jerry Albert; Lillie, Mattie, Nancy, Anas, White; Malinda, Samuel, Ella, Charles, Turner, Jennetta, Christiansa, Melaine; Frank Gariner; Joshua Barnes; Sarah Brown, Maggie Williams; Minnie Barnes; Maggie, George L., Bell, Nancy, Louis, Walter, Arthur; was affirmed by the Secretary of the Interior on June 21, 1904.

Respectfully,

Commissioner in Charge.



7  
Cherokee Freedmen

B-42 et al.

Muskogee, Indian Territory, June 23, 1904.

W. W. Hastings,  
Attorney for the Cherokee Nation,  
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated January 11, 1904, rejecting the applications for the enrollment of Martha, Elijah and Ida Albert; Robert Barnes; Lula Knalls, Sarah French, and Fred E. Knalls; Nancy, Annie and Walter Norton; Henry, Harry, Raymond and Leroy Albert; John, Sussie A., and John., Barnes; Jerry Albert; Lillie, Mattie, Mattie, Nancy, and Anna White; Malinda, Samuel, Ella, Charles, Turner, Jennette, Christiana, Melain; Frank Gardner; Joshua Barnes; Sarah Brown, Maggie Williams; Minnie Barnes; Maggie, George L., Bell; was affirmed by the Secretary of the Interior on June 21, 1904.

Respectfully,

Commissioner in Charge.

W. C. P.  
FHE.

DEPARTMENT OF THE INTERIOR,

D. C. 16475-1905.  
I. T. D. 1332-1905.

WASHINGTON. March 25, 1905.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

The Department has considered a motion filed by attorneys Neal and London, of Fort Smith, Arkansas, dated December 10, 1904, to reopen the Cherokee enrollment case of Martha Albert, et al.

January 11, 1904, you decided that the applicants in said case were not entitled to enrollment, and on June 21, 1904, your decision was approved by the Department.

The attorneys desire the case reopened in order that newly discovered evidence may be introduced to show that previous to the breaking out of the war Johnson Whitmire owned two slaves by the name of Martha; that prior to the breaking out of the war one of said slaves was sold to a man named Dillingham who lived in Arkansas; that she married a man named Williams; that the other Martha, known as "Little Martha", who is one of the applicants in the case of Martha Albert, et al, married a man named Albert who lived in the Cherokee Nation. It is claimed by said attorneys that the evidence introduced by the Cherokee

Nation at the original hearing does not apply to the applicant herein.

It appears from the motion and the affidavits submitted that the case should be reopened. The motion is hereby granted. You will so notify the applicants and their attorneys and the attorney for the Cherokee Nation, and allow a reasonable time for the introduction of additional testimony, after which you will readjudicate the case.

The motion, the record and other papers in the case are inclosed.

Respectfully,

(Signed) E. A. Hitchcock

6 inclosures.

Secretary.

COPY.

Cherokee Freedmen

R-429.

Muskogee, Indian Territory, April 8, 1905.

Minnie Barnes,

Benge, Indian Territory.

Dear Madam:

In the matter of the application for your enrollment as a Cherokee freedman, you are advised that the Commission is in receipt of departmental letter of March 25, 1905 (I.T.D. 1332-1905), remanding this case for rehearing and readjudication.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, April 20, 1905, and introduce such testimony as you may desire in the matter of your said application. You are further advised that the Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in this case.

For your information there is herewith inclosed a copy of departmental letter referred to.

Respectfully,

Incl. S-60  
Register.

(SIGNED) *I. B. Needles.*  
Commissioner in Charge.

COPY.

Cherokee Freedmen

B-413, et al.

Muskogee, Indian Territory, April 8, 1908.

Neal & Lendon,

Attorneys for Martha Albert, et al.,

Fert Smith, Arkansas.

Gentlemen:

In the matter of the applications for the enrollment of Martha Albert, et al., as Cherokee freedmen, you are advised that the Commission is in receipt of departmental letter of March 25, 1908 (I.T.D. 1522-1908), remanding this case for rehearing and readjudication.

The applicants have, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, April 20, 1908, and introduce such testimony as they may desire in support of their said applications. You are advised that the Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in these cases.

For your information there is herewith inclosed a copy of departmental letter referred to.

Respectfully,

Incl. B-41.  
Register.

(SIGNED) *I. B. Needles.*  
Commissioner in Charge.



COPY.

Cherokee Freedmen

B-418, et al.

Washkee, Indian Territory, April 8, 1908.

Hall, Hastings & Darvport,  
Attorneys for the Cherokee Nation,  
Washkee, Indian Territory.

Gentlemen:

In the matter of the applications for the enrollment of Martha Albert, et al., as Cherokee freedmen, you are advised that this Commission is in receipt of departmental letter of March 28, 1908 (I.T.D. 1332-1908), remanding this case for re-hearing and readjudication.

The applicants have, therefore, this day been directed to appear before the Commission at its offices in Washkee, Indian Territory, at nine o'clock A. M. on Thursday, April 20, 1908, and introduce such testimony as they may desire in support of their said applications. You are advised that the Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in these cases.

For your information there is herewith inclosed a copy of departmental letter referred to.

Respectfully,

Incl. B-418

SIGNED, *I. B. Needles.*  
Commissioner in Charge.

Cherokee Freedmen

R 418 et al.

COPY.

Muskogee, Indian Territory, July 24, 1905

Bell, Hastings and Davenport,  
Attorneys for the Cherokee Nation,  
Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith the decision of the Commissioner to the Five Civilized Tribes, dated July 24, 1905, rejecting the applicants for enrollment as Cherokee Freedmen embraced in the consolidated cases of Martha Albert et al., C.F.R. 418, Robert Barnes, C.F.R. 419, Lula Knalls et al., C.F.R. 420, Nancy Berkum et al., C.F.R. 421, Henry Albert et al., C.F.R. 422, John Barnes et al., C.F.R. 423, Jerry Albert, C.F.R. 424, Lillie White et al., C.F.R. 425, Halinda McLain et al., C.F.R. 426, Frank Gardner, C.F.R. 427, Joshua Barnes, C.F.R. 428, Sarah Brown et al., C.F.R. 429, Minnie Barnes, C.F.R. 430, and Maggie Bell et al., C.F.R. 431. You have heretofore been furnished with a copy of the record of proceedings.

Bill, Hastings & Burroughs

The decision, with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Incl. 3-36

SIGNED:

*James Dixby.*

Commissioner

Cherokee Freedmen  
A 418 et al.

COPY.

Wagoner, Indian Territory, July 24, 1908

Dear Sir and Ladies,

Attorneys for Martha Albert, et al.,

Fort Smith, Arkansas,

Gentlemen:

There is inclosed herewith the decision of the Commissioner to the Five Civilized Tribes, dated July 24, 1908, rejecting the applicants for enrollment as Cherokee Freedmen embraced in the consolidated cases of Martha Albert et al., C.F.R. 418, Robert Barnes, C.F.R. 419, Lulu Knull, et al., C.F.R. 420, Nancy Perkins et al., C.F.R. 421, Henry Albert et al., C.F.R. 422, John Barnes et al., C.F.R. 423, Jerry Albert, C.F.R. 424, Lillie White, et al., C.F.R. 425, Malinda McLean et al., C.F.R. 426, Frank Gardner, C.F.R. 427, Joshua Barnes, C.F.R. 428, Sarah Brown et al., C.F.R. 429, Minnie Barnes, C.F.R. 430, and Maggie Bell et al., C.F.R. 431. You have heretofore been furnished with a copy of the record of proceedings.

Reel and London-2.

The decision, with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

(SIGNED).

Commissioner

Incl. B-26



COPY.

Cherokee Freedmen X 416 et al

Muskogee, Indian Territory, July 24, 1904

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the applications for the enrollment as Cherokee Freedmen of Martha Albert, Elijah Albert, Ida Albert, Robert Barnes, Lela Kalls, Sarah French, Fred K. Kalls, Nancy Barnes, Annie Barnes, Walter Barnes Henry Albert, Harry Albert, Raymond Albert, Lemmy Albert, John Barnes, Cassie A. Barnes, John A. Barnes, Jerry Albert, Lillie White, Mattie White, Nancy White, Anna White, Malinda McLean, Samuel McLean, Elia McLean, Christians McLean, Charles McLean, Turner McLean, Jennetta McLean, Mattie McLean, Frank Gardner, Joshua Barnes, Sarah Brown, Maggie Williams, Minnie Barnes, Maggie Bell and George L. Bell, including the decision of the Commissioner to the Five Civilized Tribes dated July 24, 1904, rejecting said applications.

On January 11, 1904, the Commission to the Five Civilized Tribes rendered its decision denying said applicants.

Secretary--

excepting Mattie McLean, whose rights to enrollment were not at that time considered, and on June 21, 1904 (I.T.N. 4725-1904), said decision was affirmed by the Department. On March 28, 1905 (I.T.N. 1335-1905), this case was re-opened by the Department, and remanded for further hearing and readjustment.

Respectfully,

Through the

Commissioner of Indian Affairs.

(SIGNED)

*Tame Birney*  
Commissioner

Cherokee Freedman  
R 429

copy.  
Muskeges, Indian Territory, July 24, 1905

Minnie Barnes,  
Benge, Indian Territory,

Dear Madam:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes dated July 24, 1905, denying your application for enrollment as a Cherokee freedman. There has heretofore been furnished your attorneys, Neal and London, Fort Smith, Arkansas, a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commissioner's decision.

The decision, with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Tamie Bixby.*

Commissioner

Incl. B-33

-COPY-

G.R.

DEPARTMENT OF THE INTERIOR, KID  
WASHINGTON.

D.C. 22062.  
I.T.D. 4722-1904.  
1332-1903.  
8780- "  
10282- "

June 2, 1904.

L.R.S.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

July 24, 1903, you transmitted the remanded record with your readjudication in the matter of the consolidated applications for the enrollment of Martha Albert et al. as Cherokee freedmen, including your decision of same date, adverse to all the applicants.

August 12, 1903, the Acting Commissioner of Indian Affairs reporting thereon, recommended that your decision dated July 24, 1903, adverse to all the applicants named in his said letter, be approved. A copy of his letter, including the names of applicants affected by this decision, is inclosed.

The Department concurs in the recommendation made and your decision dated July 24, 1903, denying the application for the enrollment of Martha Albert and others named in Indian Office letter of August 12, 1903, is hereby affirmed.

A motion for review of said decision filed with the Department on September 7, 1903, by Messrs. Elms & Bulger and

McDonough, Brown & Nelson, attorneys for moving parties therein,  
is hereby denied.

Respectfully,

Jesse H. Wilson,

Assistant Secretary.

1 inclosure.



Cherokee Freedman  
R 429

COPY.

Muskogee, Indian Territory, June 15, 1906.

Minnie Barnes,  
Benge, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes dated July 24, 1905, rejecting, among others, application for your enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior June 2, 1906, and that a motion for review of your case filed September 7, 1906, is denied.

Respectfully,

SIGNED.

James Bixby  
Commissioner.

1906

Cherokee Freed-  
men 2. 418

COPY.

Muskogee, Indian Territory, June 15, 1906.

Hell, Hastings & Davenport,  
Attorneys for Cherokee Nation,  
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes dated July 24, 1905, rejecting the applications of Martha Albert et al, for enrollment as Cherokee freedmen, was affirmed by the Secretary of the Interior June 2, 1906, and that a motion filed September 7, 1905, for a review of said case is denied.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

CHIEF

*Tame Bixby.*  
Commissioner.

Incl. P-16  
BUP

Cherokee Freedmen  
R 418

COPY.

Muskogee, Indian Territory, June 15, 1906.

Blue & Bulger,

Attorneys for Martha Albert,  
Baxter Springs, Kansas.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes dated July 24, 1905, rejecting the applications of Martha Albert et al, for enrollment as Cherokee freedmen, was affirmed by the Secretary of the Interior June 8, 1906, and that the motion filed by you September 7, 1905, for a review of said case is denied.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED

*Tame Dixby.*

Commissioner.

Incl. P-17  
MCP

LANDS  
59345-1905.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

August 12, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes, dated July 24, 1908, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Martha Albert for herself and her minor children, Elijah and Ida Albert; by Robert Barnes for himself; by Lula Knull for herself and her minor children, Sarah French and Fred M. Knull; by Fanny Borkum for herself and her minor children, Annie and Walter Borkum; by Henry Albert for himself and his minor children, Harry, Raymond and Levey Albert; by John Barnes for himself and minor children, Gusnie A. and John A. Barnes; by Jerry Albert for himself; by Lillie White for herself and her minor children, Mattie, Mary, and Anna White; by Charles McClain for his wife, Nellie McClain, and his minor children, Samuel, Ella, Christiansa, Charles, Turner, Jeannette and Mattie McClain; by Frank Gardner for himself; by Joshua Barnes for himself; by Sarah Brown for herself and minor child, Maggie Williams; by Minnie Barnes for herself, and by George C. Bell for his wife, Maggie Bell, and his minor child, George L. Bell.

July 24, 1905, the Commission decided adversely to all the applicants.

The record shows that on January 11, 1904, the Commission rendered a decision denying these applicants, except Mattie McClain inadvertently omitted, and that on June 21, 1904, the decision was affirmed by the Department; that thereafter, on March 25, 1906 (I.T.D. 1332-1906) the Department reopened and remanded the case for further testimony and readjudication.

The record further shows that the applicant, Martha Albert and Jennie Barnes, deceased, were full sisters, and were born prior to the beginning of the war of the rebellion; that all the other applicants were born since the beginning of the war, are lineal descendants of the applicant, Martha Albert and Jennie Barnes, deceased, and possess no rights to enrollment other than as such descendants.

It is further shown that the applicant, Martha Albert and Jennie Barnes, deceased, were neither the slaves of a Cherokee citizen, nor free colored persons residing in the Cherokee country at the beginning of the war of the rebellion, and that they did not return to the Cherokee Nation on or before February 11, 1867.

Excepting the Wallace and Kern-Clifton, none of the applicants is identified on any roll of the Cherokee Nation.

In view of the record the approval of the Commission's decision adverse to all of the applicants is recommended.

Very respectfully,  
C. F. Larrabee,  
Acting Commissioner.

M.M.M.  
V.



Cher. Fr. R-430

Cher. Fr. R-430

See Cher. Fr. R-418 To R-429 inc. R-431

054-430

To be filled in the case of Frank Gardner,

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Fort Gibson, I. T. April, 18th 1901.

In the matter of the application of Lula Knalls for the enrollment of herself and three children as Cherokee Freedmen: she being sworn by Commissioner C. R. Breckinridge, testified as follows:

- Q What is your name? A. Lula Knalls.  
Q How old are you? A. About 38 or 39.  
Q What is your post office address? A. Foreman, I. T.  
Q In what district do you live? A. Sequoyah.  
Q Do you want to be enrolled as a Cherokee Freedman? A. Yes sir.  
Q Who do you want enrolled besides yourself? A. I have three children.  
Q How long have you lived in the Cherokee Nation? A. I was born in the Cherokee Nation.  
Q Have you lived in the Cherokee Nation all your life? A. All my life, yes sir.  
Q Give me the name of your father? A. My father he is dead, he is Jerry Whitmire, but I was raised by my step father.  
Q Has your father been dead a good many years? A. Yes sir.  
Q Did he die when you was a child? A. Yes sir.  
Q Give me your mother's name? A. Jenny Barnes.  
Q Is she alive? A. No sir.  
Q How long has she been dead? A. About ten years.  
Q And she took the name of Barnes soon after your father's death? A. She married Barnes.  
Q And she has been named Barnes as long as you can remember? A. Yes sir.  
Q In your childhood did you go by the name of Barnes? A. Yes sir.  
Q You are married are you? A. Yes sir.  
Q How many times have you been married? A. Three times.  
Q What was your first husband's name? A. Lewis Gardner.  
Q Is he dead? A. Yes sir.  
Q Was he a Cherokee Freedman? A. No sir.  
Q Give me the name of your second husband? A. Austin French.  
Q Is he dead? A. Yes sir.  
Q Was he a Cherokee Freedman? A. No sir.  
Q Give me the name of your third husband? A. John Knalls.  
Q Is he alive? A. Yes sir.  
Q Does he claim to be a Cherokee Freedman? A. No sir.  
Q When did you and John Knalls marry? A. Going on two years ago.  
Q Have you a certificate of your marriage? A. No sir.  
Q Give me the names of your children. A. Frank Gardner.  
Q How old is he? A. 22.  
Q He will have to apply for himself, he is over 21. A. Yes sir.  
Q Next child, please? A. Sarah French.  
Q How old is she? A. 8.  
Q The next child? A. Fred Knalls—Fred E.  
Q How old is he? A. A little over two months old.  
Q Is your child Sarah living now? A. Yes sir.

The 1880 authenticated roll of the Cherokee Nation examined and the applicant's name not found thereon.

The 1886 census roll of the Cherokee Nation examined and the names of the applicants not found thereon.

The Karna-Clifton roll of the Cherokee Nation examined and the names of the applicants not found thereon.

- Q Were you ever enrolled by the Cherokee authorities? A. No sir.  
Q Never were put on any roll? A. No sir only the Wallace roll.  
Q Why were you not put on any of the other rolls? A. I don't know sir, I never went to register myself; my mother was the leader of us and she was dead, and we didn't know what to do.

Lula Knalls 8.

Q Are you a full sister of Robert Barnes? A. No sir, a half sister.  
Q You both have the same mother have you? A. Yes sir.  
Q You both claim through your mother? A. Yes sir.  
Q Is there some one here who knew you while you were married to those different men? A. Yes sir, my aunt over there.

MARTHA ALBERT, called and sworn as a witness, testified as follows before Commissioner, G. B. Breckinridge.

Q What is your name? A. Martha Albert.  
Q How old are you? A. 57 or '8.  
Q What is your post office? A. Melvin.  
Q How long have you lived in the Cherokee Nation? A. Ever since I have been in the world.  
Q Except when you were out during the war? A. Yes sir.  
Q And a little while after the war? A. No sir I didn't stay no time after the war.  
Q You applied for your own enrollment and w for the enrollment of two of your children, didn't you? A. Yes sir.

NOTE: ( By Commissioner ) This woman's testimony and application is Cherokee Freedman card, D 448.

Q This applicant, Lula Knalls is your niece is she not? A. Yes sir  
Q What was her name before she was married? A. Always went by the name of Lula KNEEL Barnes.  
Q How many times has she been married? A. Three times.  
Q Give me the name of her first husband? A. Lewis Gardner.  
Q Give me the name of her second husband? A. Austing French  
Q Both of these men are dead are they? A. Yes sir.  
Q Give me the name of her present husband? A. I dont remember that.  
Q Don't you know what her present husband's name is? A. Well she lives in Redland up there and I lives in Melvin and I dont know him, I have heard it but has forgot.  
Q Would you know it if you were to hear it? A. Yes sir.  
Q Is it John Knalls? A. Yes sir.  
Q How do you know that her husband at present is John Knalls? A. I has heard her say so and she has written to me and signs herself that way.  
Q Did you ever hear her say that her present husband was named John Knalls before she came down here? A. Oh yes sir I has had two or three letters from her.  
Q And she is understood now to be the wife of a man named John Knalls is she? A. Yes sir.  
Q That is your understanding is it? A. Yes sir.  
Q Do you know that this woman is the daughter of Jenny Barnes? A. Yes sir.  
Q And a half sister of Robert Barnes? A. Yes sir.

By Cherokee Representative , W. V. Hastings of applicant.:

Q Where were you married the first time? A. In the Cherokee Nation  
Q Whereabouts in the Cherokee Nation? A. Up on Lee's Creek in the Cherokee Nation.  
Q When was it? A. I dont know what date or the year it was as I never keeps no ' count.  
Q Where did you marry your second husband? A. In Sequoyah district, in the Cherokee Nation, but not in the same settlement that I was living in in Sequoyah, I was living some twelve miles from where I was married.  
Q Where were you married the third time? A. Close to Foreman post-office.

By Commissioner Breckinridge,

Q Where did you spend your childhood? A. In the Cherokee Nation.  
Q What place? A. On Lee's Creek, my mother raised six children grown on Lee's creek before she died.  
Q Did she die there? A. Yes sir.

Q How long did she live there? A. I, dont remember how long, but I know that we had our home there; I ~~was~~ was a small girl when she died and dont remember much about it.

By W. W. Hastings-

Q Who were your neighbors when you first remember--your Cherokee neighbors? A. There was George Daylight.

Q Is he living now? A. I dont know.

Q Who else? A. Tool Teiner.

Q He is dead isn't he? A. Yes sir.

Q Do you know any that are alive now? A. No sir I dont.

Q Do you remember any at all besides there two? A. I remember people of several names, but I cannot give them just now as it has been so long ago that they has been forgotten. There was lots of full bloods lived right there round us; we lived right in a full blood settlement

By Com'r Breckinridge,- The applicant applies for the enrollment of herself and three children; she states that she has lived in the Cherokee Nation all her life, but she cannot be identified on the 1880 roll, or the census roll of 1896 or the Kerna-Clifton roll. She states that her mother was a Cherokee Freedman, and died some ten years ago, but her mother cannot be identified on the roll of 1880. In the application immediately preceding this one, the application of Robert Barnes, the half brother, through the applicant's mother, of the applicant, contention was made that the mother came to the Cherokee Nation in 1866, that she had been a slave in the Cherokee Nation, and was set free by operation of law at the close of the Civil War. Reference is made to the testimony in the case of Robert Barnes for consideration in this case; and the applicant will now be listed for enrollment as a Cherokee Freedman on a doubtful card. Her changes of name arising from marriage is established in a satisfactory manner by her own ~~and~~ testimony and by that of an aunt. The applicant's oldest child is said to be twentytwo years of age, and the application for his own enrollment is not continued, as he will be required to apply for himself. The next child, Sarah French, is said to be eight years of age, but is not identified on the roll of 1896; she is said to be now living; this child will now be listed for enrollment with its mother as a Cherokee Freedman on a doubtful card. When a certificate of birth of the youngest child, Fred E. Knalls is filed with the Commission, this child also will be listed for enrollment with its mother as a Cherokee Freedman on a doubtful card. A certificate of birth will also be required for Sarah French, as well as for Fred E. Knalls, as the former is not on any roll either. The final decision of the Commission will be made known to the applicant at her post office address.

.....

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this the 24th of April, 1901 at Fort Gibson, I. T.

*Chas. von Weise*  


Commissioner.



Department of the Interior,  
Commissioner,  
Washington,  
April, 2nd, 1901.

I, the mother of the child named as a Cherokee Indian; and the mother's article as follows:

- Q What is your name? A. Mary.  
Q How old are you? A. 42.  
Q What is your most objectionable article?  
Q In that instance do you live? A. I do not.  
Q Do you want to be enrolled as a Cherokee Indian? A. Yes, sir.  
Q Will you have you want to have enrolled? A. Just myself.  
Q How long have you lived in the Cherokee Nation? A. About 15 years.  
Q Give me your father's name? A. Lewis French.  
Q Is he alive? A. No, sir.  
Q How long has he been dead? A. About 21 years.  
Q Give me your mother's name? A. Lula Knalls.  
Q Is she dead? A. Yes, sir.  
Q Did you father die before the roll of 1880? A. I think not.  
Q Did you live with your step father when a child? A. I lived with him, while, they have not been married very long.  
Q Who brought you to them when you were a child? A. My mother, who was called Barnes, but I think, and she might have been called French.  
Q How long has your mother been known as Lula Knalls? A. Ten years or thereabouts. She was before that A. French.

The 1880 census roll, the 1886 census roll and the Korns-Clifton roll of the Cherokee Nation are all in the possession of the Commissioner.

- Q Now you go on to the roll of the Cherokee Nation? A. Now, sir, the Wallace roll.  
Q Have right to enrollment under that roll? A. Yes, sir.  
Q And she is now known as Lula Knalls.

My own recollection, - the roll is not mentioned in the roll of 1880 or the Korns-Clifton roll of the roll of 1886; he claims that he is the father of the child; he states that he was living in the Cherokee Nation all his life, and claims that he is the father of the child.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Fort Sibley, I. T. April, 23d, 1901.

In the matter of the application of Frank Gardner for enrollment as a Cherokee Freedman; he being sworn by Commissioner C. R. Breckinridge testified as follows:

- Q What is your name? A. Frank Gardner.  
Q How old are you? A. 83.  
Q What is your post office? A. Melvin.  
Q In what district do you live? A. Tahlequah.  
Q Do you want to be enrolled as a Cherokee Freedman? A. Yes sir.  
Q Who else do you want to have enrolled? A. Just myself.  
Q How long have you lived in the Cherokee Nation? A. All my life.  
Q Give me your father's name? A. Lewis Gardner.  
Q Is he alive? A. No sir.  
Q How long has he been dead? A. About 21 years.  
Q Give me your mother's name? A. Lula Knalls.  
Q Is she dead? A. No sir.  
Q Did your father die before the roll of 1880? A. I think not.  
Q Did you live with your step father when a child? A. I lived with him awhile, they have not been married very long.  
Q Who brought you up when you were a child? A. My mother, she was called Barnes then I think, and she might have been named French.  
Q How long has your mother been known as Lula Knalls? A. Two years.  
Q What name did she have before that? A. French.

The 1880 authenticated roll, the 1886 census roll and the Kerna Clifton rolls of the Cherokee Nation examined and he applicant not identified thereon.

- Q Are you on any of the rolls of the Cherokee Nation? A. None but the Wallace roll.  
Q Your right to enrollment comes through your mother? A. Yes sir.  
Q And she is now known as Lula Knalls.

By Com'r Breckinridge, - The applicant is not identified on the roll of 1880 or the Kerna-Clifton roll or the roll of 1886; he claims to be on the Wallace roll; he states that he has lived in the Cherokee Nation all his life, and claims his right to enrollment through his mother Lula Knalls, and reference is made to her case, Cherokee Freedman D. 100. For the further consideration of his case, the applicant will be placed on a doubtful card as a Cherokee Freedman, and the final decision of the Commission will be made known to him at his present post office address.

=====

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes thereon.

Subscribed and sworn to before me this the 23rd of April, 1901, at Fort Sibley, I. T.

*Chas. von Weise*  


Commissioner.

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To be filed with case of Frank Gardner, C. F. D. #146.

SUPPLEMENTAL TESTIMONY.

V.-D. #42.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
VINITA, I.T., MAY 21st, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of **MAR  
THA ALBERT**, et al., as Cherokee Freedmen:

**RUTH HUNT**, being sworn and examined by Commissioner F. B.  
Needles, testified as follows:

APPEARANCES:

A. S. McRae, Attorney for Applicants;

W. W. Hastings, Cherokee Representative.

- Q What is your name? A Ruth Hunt.  
Q How old are you? A 36.  
Q What is your post office address? A Vinita.  
By W. W. Hastings: Mrs. Hunt, what was your maiden name?  
A Martin.  
Q What was your father's name? A Ellis Martin.  
Q What was your mother's name? A Nancy Martin.  
Q Where did you go during the war of the Rebellion?  
A Fort Smith, Arkansas.  
Q After the war did you return to the Cherokee Nation? A Yes, sir.  
Q When did you return to the Cherokee Nation? A 1867.  
Q What time of the year? A It was either February or March, I  
don't remember which.  
Q But '67? A Yes, sir.  
Q Did any colored people return with you to the Cherokee Nation  
when you came back? A No, sir.  
Q Did you return with your father? A Yes, sir.  
Q To what point did you return? A About four miles this side of  
Fort Smith, on the line of Arkansas, about a quarter of a mile  
from the line, Arkansas line.  
Q Did you know a colored woman by the name of Martha Albert who  
is the wife of Colly Albert? A There was a man worked for us we  
always called him Albert, I don't know what his other name was, his  
wife was named Martha; he worked for us that summer he came back.  
Q The summer of '67? A Yes, sir.  
Q Did they return with you? A No, sir.  
Q Were they ever there on the place when you returned? A No, sir.  
Q Do you know where they came from? A No, sir, I don't but he  
went over in Arkansas somewhere and hired the man to come and work,  
but I don't remember where he got him. He had a man at work for us  
and the man quit and he went away somewhere and got this man, he  
got him in Arkansas somewhere towards Van Buren, but I don't know.  
Q You brought no colored people back with you? A No, sir.  
Q Did those people claim at that time to be Cherokee Freedmen?  
A I never heard it; if they did I don't remember anything about  
them claiming.  
Q Do you know what became of them after they left your place?  
A No, sir, I never seen or heard tell of them until they was tak-  
ing the roll at Vinita here before.  
Q In 1896? A Yes, sir, that is the only time I have ever heard of  
them since.  
Q Are you a Cherokee citizen by blood? A Yes, sir.  
Q You reside at Vinita? A Yes, sir.

CROSS EXAMINATION BY A. S. McRAE:

Q Mrs. Hunt, did you know the applicant, Mattie Albert, before the war? A No, sir.

Q Do you know her at all? A I don't know her only just as far back as 1867; I remember there was a man worked for us by the name of Albert, we called the woman Martha and the man Albert, they worked for us here during the summer of 1867, that is all I know about it.

Q You don't know whether she is the one who belonged to Johnson Whitmire before the war or not? A No, sir, I don't know; I never heard her say that she belonged in the Nation before the war.

Q Did you know the Whitmires? A Yes, sir.

Q Did you know any of their slaves? A I can't remember them, I knew them but I can't remember them.

Q Now, this man Albert that worked for your father, you don't know his given name? A No, sir, we just called him Albert, and I don't remember what his other name was.

Q You don't know whether Albert was a given or surname? A No, sir; I don't know which it was.

Q Would you know the same persons if you would see them again?

A I don't think I would, it has been so long.

RE-DIRECT EXAMINATION by Mr. Hastings:

Q How far did you live from Johnson Whitmire before the war?

A About ten or 12 miles. I knew the family and I guess knew the slaves, I don't remember them now.

Q I believe you said you were 50, that would make you be born in 1847; you would be about 12 years old when the war came up?

A Yes, sir.

Q I was going to ask you if you lived in ten or twelve miles of Johnson Whitmire and if this woman had belonged to him before the war, it is quite likely you would have known that in 1867?

A It seems that she would have known people that I did and would have said something about it. I went to school with Whitmire's children and have been at Ben Whitmire's house and I guess would remember some of the names if I heard them recalled, but I can't remember them now.

Q You didn't recognize this woman? A No, sir, I would not recognize her now.

Q You didn't recognize her then as belonging to Johnson Whitmire?

A No, sir.

Q Never heard her remark about it? A No, sir.

EMMA FINLEY, being duly sworn by Commissioner T. B. Needles, testified as follows:

DIRECT EXAMINATION BY MR. HASTINGS:

Q What is your name? A Emma Finley.

Q What is your age, Mrs. Finley? A 31.

Q What is your post office address? A Tahlequah.

Q Are you a Cherokee by blood? A Yes, sir.

Q Recognized citizen of the Cherokee Nation? A Yes, sir.

Q Mrs. Finley, what was your maiden name? A Emma Berlin.

Q You are a sister of Mrs. Hunt who has just testified?

A Yes, sir.

Q What was your father's name? A Ellis Berlin.

Q What was your mother's name? A Nancy Berlin.

Q Did you come back with your father after the war to the Cherokee Nation? A Yes, sir.

Q When did your father die? A '67.

Q Where did he die? A Down in Sagoyah district, near Fort Smith.



Q To what point in the Cherokee Nation did you return after the war? A Down on the line close to Fort Smith.  
 Q About how far from Fort Smith? A Four miles.  
 Q I ask you if any colored people returned with you? A No, sir.  
 Q What time did you return to the Cherokee Nation? A In '67.  
 Q What time in '67? A I am not positive what month it was, it was either February or first of March, I think.  
 Q Did any colored people return with you? A No, sir, there was not.  
 Q Do you remember a colored woman by the name of Albert, Martha Albert? A Why, yes, I remember her, she didn't come back with us.  
 Q She didn't come back with you? A No, sir.  
 Q When do you first remember of having seen her? A I think it was the last of March or first of April, I am not positive which, but it was along about that time.  
 Q It was after you returned to the Cherokee nation after the war? A Yes, sir, after we came back in '67.  
 Q Do you know where she came from? A In the state some place.  
 Q She worked for you that season, or part of the time? A Part of the time.  
 Q She didn't come back with you or your father? A No, sir.  
 Q Do you know whether she claimed at that time that she was a Cherokee slave? A No, sir, she didn't; if she did I never heard her. Never claimed at all.  
 Q Mrs. Finley, did you know Samuel Whitmore before the war? A No, sir, I had heard of him but I was not acquainted with him.  
 Q You were young? A Yes, sir.

CROSS EXAMINATION BY A. S. MASON:

Q Mrs. Finley, where did you all go to before the war, did you leave the Nation? A Before.  
 Q Yes? A No, I left the Nation after the war began.  
 Q Left during the war? A Yes.  
 Q Where did you go to? A Fort Smith.  
 Q Did you know Martha Albert at that time? A When I left the Nation?  
 Q Yes? A No.  
 Q Where was the first time you ever seen Martha Albert? A In '67.  
 Q Where at? A In Sequoyah district.  
 Q At what time of the year was it? A It was in the last of March or first of April, I am not sure which.  
 Q In 1867? A Yes, in '67.  
 Q Do you know whether she had ever lived in the Nation? A No, I don't.  
 Q Did her husband work for you all? A Yes, in '67.  
 Q What was his name? A Colly, that is all the name I ever heard.  
 Q Just knew him as Colly? A Yes, that is all we called him.  
 Q Do you know whether or not they were slaves? A No, I don't know.  
 Q And you saw they came here from the State of Arkansas to work for your father in 1867? A Yes.  
 Q You don't know whether or not of your own knowledge they had been in the Territory prior to that or not? A No, I only know that he went over in the State and got them.  
 Q What were they doing in the State? A I don't know.  
 Q Don't know whether they were living there or not?  
 A I suppose they were living there; went there and got them.  
 Q Isn't it possible that they could have been over there at work?  
 A It is possible, it is not impossible, of course, they had every thing they had over there.  
 Q Didn't they go back to the State? A I don't know.

Y 168, 211.

COMMITTEE: Did Nancy have children to your knowledge?

NANCY: To Texas or not? A No, sir, I don't.

COMMITTEE: And you don't know whether or not this Nancy, Nancy,

Diffenham took her to Texas? A No, sir.

COMMITTEE: You have never seen the married mother of Nancy, Nancy, Nancy?

COMMITTEE: You don't know Nancy at all then? A No, sir.

COMMITTEE: Did you ever see Nancy anywhere and more? A Yes, I

did. I took her with me to Texas. I said, I don't know what she

was doing in Texas, but she was there. I said, I don't know what she

was doing in Texas, but she was there. I said, I don't know what she

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# CORRECTION

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HAS BEEN  
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TO ASSURE  
LEGIBILITY

Q Had all their possession in the State of Arkansas? A Yes.  
 Q Did they move those possessions over to your father's place when they come there? A Yes.  
 Q What possessions did they have? A They didn't have much, just what they had in the house and one horse.  
 Q You don't know whether they left the Territory or not?  
 A No.  
 Q And you don't know whether they come back in 1866 or not? A No.  
 Q And the first you know about them was when they worked on your father's place in 1867? A Yes.

HARRY STILL, called as a witness on the part of Applicants being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Harry Still.  
 Q What is your post office? A Hayden.  
 Q What is your age? A Well, sir, I don't know exactly, something over 50.  
 Q You are a recognized citizen of the Cherokee Nation? A Yes, sir.  
 Q Freedman? A Yes, sir.  
 Q Is your name on the roll of 1860? A No, sir.  
 Q You are a contested citizen? A No, sir.

DIRECT EXAMINATION BY A. S. MOREA:

Q Mr. Still, you are called on to give some evidence in the case of Martha Albert; are you acquainted with Martha Albert? A No, sir, I am not.  
 Q Did you know Johnson Whitmire? A Yes, sir, I knew Johnson Whitmire.  
 Q Did you know any of his slaves? A Yes, sir, I knowed his slaves, I knowed 'em all, he was a brother of my Master.  
 Q Did you know this woman Martha? A Martha Whitmire? I didn't know any Martha Whitmire.  
 Q Did you know Gelly Albert? A I know Gelly Albert when I see him.  
 Q Did you know him before the war? A No, sir, I didn't.  
 Q Did I understand you to first say that you know Martha Albert, or that you did not know her? A I do not know her; I knew Johnson Whitmire's slaves, but I did not know her.  
 Q Do you know Eliza McGrady? A No, sir.

CROSS EXAMINATION BY MR. HASTINGS:

Q Where did you live before the war? A Lived on Barron Fork at George Whitmire's place.  
 Q What kin was George Whitmire to Johnson? A Brother.  
 Q How far did they live apart? A It must have been four or five miles.  
 Q Are you well acquainted with Johnson Whitmire? A Yes, sir.  
 Q Are you well acquainted with Johnson Whitmire's slaves?  
 A Yes, sir.  
 Q Did you know him to have a slave by the name of Martha?  
 A No, sir, I didn't know one by that name.  
 Q Didn't know one by that name? A No, sir.  
 Q You lived there in four or five miles? A Yes, sir.  
 Q If he had one you would have known it? A Johnson had a good many colored people; I knew most of them, I knew all of them, all he raised.  
 Q This woman claims now to be about 34 or 35 years of age, which would have made her 15 or 16 years old when the war come up; you didn't know any Martha Whitmire that was something of that age that belonged to Johnson Whitmire? A No, sir.

COMMISSION TO THE FIVE CIVILIZED TRIBES  
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Q How old are you, Harry? A I am something over 50 years old, about 54 as near as I can get at it.

RE-DIRECT EXAMINATION BY A. S. MORRIS:

Q Did Johnson Whitmire own a slave by the name of Charles Whitmire, or Charles Belen? A If he did I didn't know, he may, I have heard of Charles Belen, but I don't know who he is.

Q Well, did he own a slave, family slave, by the name of Nancy? A Not as I know of, sir.

Q Now, as I understand you to say, Mr. Still, you didn't know all the slaves of Johnson Whitmire? A Yes, sir; I was acquainted with 'em, they was kin to me.

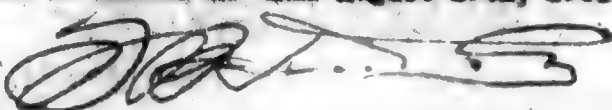
Q You were kin to all them? A Yes, sir, kin by blood and I know them.

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J. O. Roseth, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Roseth

Subscribed and sworn to before me this August 10th, 1901.



Commissioner.



SEF

[illegible]

File with Cherokee Freedman, B- 146, Frank Gardner.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Fort Gibson, I.T., September 4, 1901.

In the matter of the application of Martha Albert et al. for enrollment as Cherokee Freedmen.

Testimony on behalf of Cherokee Nation.

Appearances:

A. S. McRea, attorney for applicants;  
W. W. Hastings, of counsel for Cherokee Nation.

WATT WHITMIRE, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A Watt Whitmire.

Q What is your postoffice? A Westville.

Q How old are you? A 48.

Q What is your father's name? A Johnson Whitmire.

Q What was your mother's name? A Charlotte Whitmire.

Q In what district did your father live before the war?

A Going Snake.

Q Was there any other Johnson Whitmire in Going Snake at that time, that was grown, an old man with a family? A No, sir, not as I know of; there was a Johnson, a son; he is younger than I am.

Q Well, he was born about the time or after the war came up, or when? about how old is he? A He is some thirty odd, some 37 or 8.

Q Did your father own some slaves when the war broke out? A Yes, sir.

Q Do you know whether or not your father or your mother owned a slave by the name of Martha when the war broke out? A No, sir, not as I know of; none by that name.

Q Did your father or mother own a slave by the name of Nancy, a woman? A No, sir, not as I know of.

Q This Martha, according to her statement, would be some 14 or 15 years of age at that time? A No, sir, I don't recollect any one by that name.

Q You are Johnson Whitmire's son? A Yes, sir.

Q You were living at home at the time the war broke out? A Yes, sir.

By A. S. McRea: Mr. Whitmire, how many slaves did your father own?

A I don't know the exact number.

Q Were you acquainted with the names of all the slaves of your father? A Why I believe I recollect the oldest, I don't know that I recollect the smallest children's names, of all.

Q About what was approximately the number of old slaves? A Well, I will have to count them up.

Q Well, give an approximate statement? A About 12 or 14 or somewhere along there; I don't know just exactly.

Q Did he own a slave by the name of Nancy? A Not as I recollect of; I don't recollect any such name.

Q About how old were you at the breaking out of the war? A I was born in '32; I believe the war broke out in '62, wasn't it; about '61.

Q You were about 9 years old? A 9 or 10 years, somewhere along there.

Q Now couldn't he have possibly owned this female girl and you not have any recollection of it? A I recollect all the names from my side up, but I don't recollect of any such name of Martha. There wasn't but two girls, and one was named Mary and one Nannie.

Q They were the only two female colored girls of the ages of 12 or 14 years old? A Well, they were younger than that; Nannie was younger than that and Mary was I reckon maybe one or two years older

than me, I don't know exactly, but I just judge from her size.

Q Well now, do I understand you to say this number of fourteen or fifteen adults, or older slaves, did they have any children? A Oh yes, that included men and women together.

Q Included men and women together? A Yes, sir.

Q Did they have any children? A Yes, sir.

Q Do you remember the names of them all? A Well not of all, I remember the names of some of them.

Q About how many children did each family have? A Well, there was one woman by the name of Fronie had one child named Susie, and there was an old lady named Sukie had two or three, and I don't recollect the names of but one boy, his name was Joe, and this girl Nannie I spoke of was the child of old Aunt Sukie; and there was one by the name of Rachel, I don't recollect just how many children she had, but one or two or three, somewhere along there; they were quite small when the war broke out.

Q That is all the children? A No, sir, I don't recollect just how many children there were in the whole family of the darkies, but there was Rachel's children, and Aunt Sukie's children, and Fronie's child, one child, I believe is all I recollect of.

Q Well, where did your father's slaves go during the war? A Well I can't tell you exactly; my understanding is they went north.

Q That they all went north? A Yes, sir, part of the men folks left here before I left the old place, and when I left there I left part of the women folks at home, at the old home place.

Q Leave any of the children? A Yes, sir.

Q Have you any recollection what became of them? A No, sir.

Q Did you ever see any of them any more? A No, sir, never saw any more of them any more at all.

Q Did you go away yourself? A Yes, sir, taken away.

Q Where did you go? A Went from there to Cane Hill, Arkansas.

Q When did you return? A After peace was made; went on from Cane Hill south.

Q Have you any acquaintance with this alleged party to this suit, Martha Albert; are you acquainted with her? A No, sir.

Q Don't know her? A Don't know her at all.

Q How long have you lived in the Cherokee Nation now since your return from Cane Hill: was that the place you went to? A Went from the Nation to Cane Hill and from Cane Hill went south in the Choctaw Nation.

Q Then when did you return from the Choctaw Nation to the Cherokee Nation? A Returned in '67.

Q To what point? A Back at the old home place in Going Snake district.

Q You have lived here continuously ever since? A Yes, sir.

Q Were you extensively acquainted with the colored people in and around, or rather in Going Snake district? A Yes, sir.

Mr. Hastings: Now as I understand you, Mr. Whitire, you stated that you remember all of the slaves that were of your age and older, but those that you don't remember were those that were younger or smaller? A Yes, sir; I remember some that were younger than I was, them that I called a good while ago.

Q You are positive your parents didn't own a slave by the name of Nancy? A No, sir, none that I know of, there wasn't any Nancy on the place, and I believe I can call the names of all the women.

Q Are you positive your parents didn't own a girl older than yourself named Martha? A No, sir, wasn't any on the place named Martha.

J. W. ALBERTY, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A J. W. Alberty.

Q Mr. Alberty, what is your age? A Well, I am 67 years old.

Q What is your postoffice? A My postoffice is Westville, Indian Territory.

Q What district do you live in? A I live in Going Snake district.

Q You a Cherokee by blood? A Yes, sir.

Q Mr. Alberty, where did you live in the Cherokee Nation before the war? A In Going Snake district.

Q Near where you now live? A Yes, sir.

Q Did you know Johnson Whitmire? A Yes, sir.

Q Did you know him before the war? A Yes, sir.

Q How far did you live from him? A Well, it was about ten or twelve miles, I reckon we called it.

Q Did you know his family? A Well, yes I knew his family.

Q This witness here before, named Watt Whitmire, was he a son of Johnson Whitmire? A Yes, sir.

Q I will ask you if you were acquainted with a colored man by the name of Charles Boland before the war? A Yes, sir, he was a mixed blood, free.

Q I will ask you if you knew a colored woman by the name of Nancy Whitmire, alleged to have belonged to Johnson Whitmire before the war?

A Yes, sir, I knew her.

Q Now, if you know what became of Nancy Whitmire and Charles Boland I wish you would make a statement to the commission. A The Whitmire boys sold Nancy to a man named Dillingham, and he moved right across the line from where I lived, five or six miles, and owned them there until he moved off to Texas, Charles Boland and Nancy; I knew them better after Dillingham got them than I did before.

Q Who sold them to Dillingham? A The Whitmire boys, George Whitmore and Johnson Whitmire; they were brothers and they sold them at the time they divided up the property.

Q Now about how long before the war was that they sold them, about what year? A I reckon it must have been in '47 or '8, I haven't got the dates, I wasn't expecting anything of this kind, and I didn't get the dates, but it must have been in '47 or 8.

Q What was Dillingham's citizenship? A He had none.

Q Was he a white man or Cherokee or what? A He was a white man and lived in the state.

Q What state? A Arkansas.

Q Lived across the line in the State of Arkansas? A Across the line, yes, sir, in the State of Arkansas.

Q Do you know what finally became of him out there? A Mr. Dillingham, in about '50 or '51 moved to Texas and carried the family, and Boland went with them, he was free but he followed this family off to Texas.

Q Do you know whether he had Nancy for a wife or not? A Yes, Boland had this Nancy for a wife, and claimed the family, and when Dillingham carried the family off he went with them.

Q How far did this man by the name of Dillingham live from you?

A About five or six miles.

Q Now how far did you live from the Cherokee line up there?

A Well about that time I only lived about half a mile, right at it.

Q On the west side of the Cherokee and Arkansas line? A On the west side of the Cherokee line.

Q And Dillingham lived on the Arkansas side? A On the Arkansas side, just over near what is called Dutch Town or Salem.

Q He laid no claim to Cherokee citizenship? A No, sir, not a bit; he had a son that was adopted, but the old man had none.

Q And I believe you stated that along about '50 Dillingham carried these people to Texas? A He carried them to Texas.

By A. S. Moran: I understand you to say Johnson Whitmire sold Nancy? A Yes, sir.



Q Nancy Sheppard then did belong to Johnson Whitmire? A Yes, sir, she did belong to Johnson Whitmire; there were two brothers of the children, George and Johnson Whitmire, and they owned an interest in them and they both sold their interests.

Q About what year was that? A Well sir, I can't positively say, but it was in or about '47 or '48; I have nothing to guide me by.

Q Do you know Martha, the child of Nancy? A No, sir, they were all small when they went off, I don't know any but a boy they called Ellis; Dillingham brought him back with him just a little while before the war came up.

Q Did Nancy have children when Johnson sold her? A Yes, sir.

Q Did he sell the children with her? A Yes, sir.

Q Nancy's whole family was sold? A The whole family went, yes sir.

By A. S. McRea: Mr. Alberty, where do you live? A I live in the eastern part of the Cherokee Nation here.

Q And you say Johnson Whitmire sold Nancy, the alleged mother of the applicant, Martha Albert, in 1847? A I didn't say the time he sold her, because I don't know that, he sold Nancy, Charles Boland's wife to Dillingham, and the children, but I don't know nothing about Martha at all, I didn't say the mother of her, but if she is the daughter of Nancy, why she -

Commissioner: Was sold with the balance, was she? A Yes, sir, sold with the balance; the whole family was sold.

A. S. McRea: To whom did you say they were sold? A Dillingham.

Q Where did he live? A He lived in Texas.

Q Do you know of your own knowledge that this woman, Nancy, went to Texas? A Yes.

Q How do you know that? A I saw them start.

Q Did you see them arrive? A I didn't see them arrive in Texas, but I saw them start on the road.

Q Do you know whether or not, of your own knowledge that they arrived there? A No, sir, I can't say that, ~~because~~ but I guess from all the circumstances they did.

Q What fixes it on your mind so very definitely that they were sold in '47? A Well, just as I said before, I said I wasn't positive about that, but it was in or about that time.

Q For how much was she sold? A Well I can't exactly say now what they did bring, because they got some horses and some cattle and some money.

Q How many horses? A I can't answer that question.

Q How many cattle? A I don't know.

Q How much money? A Well, I don't know that that would amount to anything, because it was satisfactory to them.

Q You say they were sold and we want to know what was the status of the sale? A Well I don't know the amount that they got for them, I can't say.

Q Did you see any money exchanged? A No, sir, but after that they changed hands, the darkies went.

Q It is true, they could possibly have changed hands without any sale? A Well hardly then days.

Q Then in so many words, you don't know whether that was a bona fide sale or not of your own knowledge? A Well, of my own knowledge, I would have to say it was a bona fide sale, or else he wouldn't have taken them out of the Cherokee Nation.

(Foregoing answer read by stenographer at request of attorney for applicant.)

Witness: Yes, sir.

McRea: He said you would suppose it was a bona fide sale.

Commissioner: Was that your answer?

Witness: A Yes, sir.

Commissioner: How long after the sale was it before Mr. Dillingham taken them to Texas? A It must have been 2 or 3 years, they lived right there close neighbors to us two or three years after they



bought them.

Q With whom? A With Dillingham, in the State of Arkansas.

Q Then when the sale was made Dillingham at that same time was living in Arkansas? A Yes, sir.

Q In your first statement that he was living in Texas correct, at the time of the sale? A No, sir, I didn't make that, he was living in Arkansas and moved to Texas, I said, in about '90 or '91 and taken them with him in about '90 or '91.

McRea: I would like to examine the face of the record.

Commissioner: The record shows for himself. If the witness contradicts himself the record shows it. I think the witness did state when you asked him where Dillingham lived, that he lived in Texas, but you didn't specify the exact time when he lived, but the witness stated plainly now at the time Dillingham bought the slaves he lived in Arkansas and moved to Texas a few years after.

McRea: Did you ever see Nancy Whitmire any more? A Well, I never saw her after he moved off to Texas with her.

Q Are you acquainted with Martha Albert, the applicant in this behalf? A No, sir.

Commissioner: You don't know Martha at all then? A No, sir; well there were several children, but I don't recollect their names; there were several children then only they were small.

Q You have never seen the averred mother of Martha, Nancy, after Dillingham took her to Texas? A No, sir.

McRea: And you don't know whether or not this woman, Martha, was one of the number of these children that accompanied the mother, Nancy, to Texas or not? A No, sir, I don't.

Commissioner: Did Nancy have children to your recollection?

A Yes, sir.

Q You don't recollect of how many? A Well, no I don't, there was three or four, four children, there might have been more and might have been less.

Q Know whether they were boys or girls? A There was one boy.

Mr. Hastings: I believe you states that these children that she had went with her? A Yes, they all went with her.

McRea: About what was the age of these children? A Well, they were small, they were not very large.

Q 3, 4, 5, 6 and 10 years, something like that? A Well, he must have been 6 or 7 or 8 years old, maybe 10, I can't state that.

Q Was that a girl or a boy? A I think the oldest one was a girl.

Commissioner: This testimony will be made part of the testimony in the cases, D-99, D-100, D-101, D-102, D-103, D-104, D-105, D-114, D-150, D-151, D-152, D-143, D-182. Attorney McRea for applicant objects to testimony being filed in the case of Robert Barnes et al., and the objection is overruled.

\*\*\*\*\*

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and correct transcript from his stenographic notes thereof.

*Bruce C. Jones*

Sworn to and subscribed before me this 5th of September, 1901.

*W. D. Green*  
Commissioner

COMMISSION TO THE FREE CIVILIZED TRIBES  
DEPARTMENT OF THE INTERIOR

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in the case of ~~the~~ and the referred cases, that  
the Cherokee Nation desire to introduce testimony in them  
on Friday, the 13th inst., between the hours of eight in the  
morning and five in the afternoon.

Order: The applicant will on said date introduce ad-  
ditional testimony in the cases at bar.

Commission: This testimony will be filed in the follow-  
ing Cherokee Freedmen cases: D-42, D-145, D-182, D-99,  
D-100, D-101, D-102, D-103, D-104, D-105, D-114, D-150,  
D-151, D-152.

Bruce C. Jones, being duly sworn, says that as stenographer to  
the Commission to the Free Civilized Tribes, he correctly recorded  
the proceedings and testimony in the above case, and the foregoing is  
a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this the 13th of September, 1901.



Commissioner.

File with Cherokee Freedman D-148, Frank Gardner.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Fort Gibson, I.T., September 11, 1901.

In the matter of the application of Martha Albert et al. for  
enrollment as Cherokee Freedmen.

Supplementary evidence introduced on behalf of applicants.

Appearances:

A. S. McRea, attorney for applicants;  
W. W. Hastings, of counsel for Cherokee Nation.

The Commission: Now Mr. McRea, state briefly what you  
desire to prove by this witness.

A. S. McRea: Applicant desires to offer testimony in  
behalf of herself et al., by Sam Barnes, showing that mother  
of applicants did return to the Cherokee Nation within the  
time of the treaty stipulations, and that so far as the sale  
of she and her mother to one Dillingham, it is untrue.

The Commission: When you speak of the applicant, I sup-  
pose you mean Martha Albert?

McRea: Yes, Martha Albert and others.

Mr. Hastings: The Cherokee Nation objects to the ap-  
plicant being allowed to introduce any testimony in this  
case on the question of the return of any of the applicants,  
for the reason that applicants introduced their testimony  
on both ownership and return, and the Cherokee Nation intro-  
duced testimony on both, and the only testimony which can  
legally be introduced by the applicant now as testimony in  
rebuttal of new matter brought out by the Cherokee Nation in  
its testimony.

The Commission: The objection of the Cherokee Nation  
will be noted.

S. B. BARNES, appearing before the Commission and being duly  
sworn and examined, testified as follows:

A. S. McRea: Give us your name, Mr. Barnes? A S. B. Barnes.

Q Your age? A About 57, going on 58.

Q Postoffice address? A Benga.

Q Mr. Barnes, are you acquainted with the applicant, Martha  
Albert? A Yes, sir.

Q How long have you known her? A I have known her going on 37  
years.

Q Do you know whether or not she was a slave in the Cherokee  
Nation before the war of the rebellion?

Mr. Hastings: I object to that, both because the very  
testimony itself shows that he didn't know that; said he  
hadn't known her but 37 years.

Commission: Ask him the question.

Q Where was she when you first knew her? A She was down here  
right close to Cherokee.

Q Where is that? A That is down right on the line, at the Cherokee  
Nations.

Q Was that in the Cherokee Nation? A Yes, sir.

Q Did you know her mother? A Yes, sir.

Q What was her mother's name? A Nancy.

Q How long had you known the mother? A I got acquainted with  
her in '64.

Q Where was she when you first met her? A I met her down there.

Q In the Cherokee Nation? A Yes, sir.

Q Do you know whether or not they went out of the Cherokee Nation?

- 2 -

or not?

Mr. Hastings: He says he never met them till '64 and '66; you ought to know that he can't testify to that.

McRea: He might have heard; we have been taking hearsay testimony.

Commission: Answer the question.

A I don't know.

Q Did you ever hear of the mother of your wife, Sarah Barnes, having been sold to a man by the name of Dillingham?

Mr. Hastings: Objected to by the Cherokee Nation on the ground of hearsay.

Commission: Ask him if he knows.

Q Do you know? A No, sir, I don't know it.

Q Did your wife ever tell you they were sold.

McRea: What his wife told him is admissible.

Mr. Hastings: Objected to by the Cherokee Nation on the ground that it is clearly inadmissible, it being hearsay testimony, and a declaration in interest of the party.

Commission: Let him answer the question.

Q Did your wife ever tell you whether or not she and her mother were sold to Dillingham of Arkansas? A No sir, she never did.

Q I will ask you if you and your wife ever had any conversation pertaining to her citizenship?

Mr. Hastings: Objected to by the Cherokee Nation for the reason that it is clearly hearsay and inadmissible.

McRea: That is not hearsay testimony.

Commission: I will let him answer the question.

Mr. Davenport, Cherokee attorney: I will object on the ground that he can't testify for or against his wife, under the rules of law. I think I recollect that the Commission has served notice that it would follow the ordinary rules of evidence.

McRea: The Commission served notice that it would not confine itself to the different rulings and technicalities of law in trying testimony in this matter.

Commission: Go on with the examination, Mr. McRea. (Question read to witness by stenographer.)

A Why of course, she met the John Chambers Court at Tanisquah.

Q Where did you marry your wife? A Marry her; we were engaged here in the Cherokee Nation but we were married at Fort Smith.

Q She was living in the Cherokee Nation when you courted her?

A Yes, sir.

Q Now when did you marry her? A I married her in November, '66.

Mr. Hastings: Where did you live before the war? A I lived in Texas.

Q What county? A Fannin County.

Q What was your owner's name? A Higginbotham.

Q What was his first name? A Thomas Higginbotham.

Q What was the nearest town to you? A Bonham.

Q Did you know Jerry Starr down there? A No, sir.

Q Did you see your wife down there? A No, sir.

Q You didn't? A No, sir.

Q Did you see Nancy Whitlire, or Nancy Boland, down there? A No, sir.

Q See Martha Albert? A No, sir.

Q How old are you? A I have turned 36 years old.

Q What is your father's name? A My father, Bob Barnes.

Q When did you leave Texas? A I left Texas directly after the war ended.

Q Well, did you make a crop down there the year the war ended?

A I wasn't big enough, I didn't make no crop.

Q Were you living with? A I was living with my old mistress.

Q She wasn't a Cherokee? A No, sir.

Q Well, did you make a crop with your old mistress, or for her?

A Yes, sir.



McRea: I object to all that; it is irrelevant to the question at issue.

Commission: Answer the question.

Q You made a crop for her you said? A Yes, sir.

Q The year the war ended? A Yes, sir.

Q Now then you stayed there then that year? A I last there just as the war was up.

Q I thought you said you made a crop there? A I did.

Q Then you laid that crop by, did you? A The war came to an end in the spring of '65 if I understand anything.

Q Well, how did you come to leave Texas and who did you go with?

A I come by myself.

Q Just alone? A Yes, sir.

Q Come afoot? A No, sir.

Q How did you come? A I had a horse.

Q Well, where did you come to? A I come to Fort Smith.

Q You had never been to Fort Smith before? A No, sir.

Q You had never heard of Fort Smith in your life before? A Oh yes sir, I hadn't been dead I don't reckon, I was a man.

Q How far below Fort Smith did you live when you lived in Texas?

A From Fort Smith?

Q Yes? A You mean just out on the river?

Q In Texas? A It is about 800 miles.

McRea: I object to that, the question is misleading in its nature, and I object to it.

Commission: He has already answered the question.

Q You came direct to Fort Smith? A Yes, sir.

Q Who did you work for there? A I worked for Bill Belt, five miles out south of town.

Q How long did you work for him? A I worked there a couple of weeks, or about a week, or couple of weeks.

Q Then where did you go? A I crossed over here in the Cherokee Nation.

Q What induced you to leave down there and leave your folks and go to Fort Smith at that time? A Just because I had a notion to go to Fort Smith.

Q Then what induced you to leave Fort Smith after being there only two weeks and go over on the Nation side? A Just because I wanted to go.

Q You didn't know anybody ever there, did you? A No sir.

Q You had never seen a soul? A Of course I had seen people.

Q You had never seen one of them over there at Fort Smith?

A Not from across the Cherokee Nation side, across the river; why I saw people down in Fort South out of the Cherokee Nation.

Q Who did you meet that lived on this side of the river, at Fort Smith? A I met Tom Stoneroad and Mrs. Franklin, I don't know how many people I didn't meet.

Q Whose place did you go to on this side of the river first? A I was at Mr. Stoneroad's place the first place I was at, right on the line.

Q How long did you stay there? A I didn't stay there but an hour or two.

Q Then where did you go? A I went back to town.

Q How long did you work there in town? A I don't know exactly how long.

Q A year? A I don't know exactly how long I worked in town.

Q 25 years? A I might not have worked there more than two hours, I don't know.

Q Don't know whether it was an hour or 25 years? A Yes, sir, I do know how long.

McRea: He has answered that he don't know.

Commission: Let him answer the question.

Q About how long? A I worked there two or three different times.



sometimes I would be in town a week and sometimes not but a day or two and sometimes two or three days.

Q Where were you making headquarters, or home? A I made headquarters sometimes out at Bill Salt's and after that I worked for Tom Stoneroad some right on the line of the Cherokee Nation.

Q How long did you say a while ago you had been married? A I said I married in November, '66.

Q How many years did you say that was? A I didn't say nothing about the years.

Q Who married you? A I was married by the clerk.

Q What was his name? A I don't know his name.

Q Clerk of what court? A Clerk of the court there, at Fort Smith.

Q On the Arkansas side? A Yes, sir.

Q You got a license over there, and he married you? A I think I got license.

Q Now what is your full name? A Sam Barnes is my full name.

Q What is your wife's name? A Her name was Jennie.

Q Jennie what? A Jennie Boland.

Q She is a sister to Martha Albert? A Yes, sir.

Q Younger than Martha? A Yes, sir.

Q Have you ever been married before? A Yes, sir, had been married twice before.

Q Where had you been married? A In Texas.

Q What was your first wife's name? A Anna.

Q She dead? A Yes, sir.

Q What was your second wife's name? A Name was Nancy.

Q That year was it they had that investigation, that Chambers Court you speak of? A That was in '78.

Q Was your wife admitted or rejected? A Must have been rejected by us having to be here.

Q Did you make a statement up there before that court? A Yes sir.

Q You never saw your wife before the war? A No sir.

McRea: Did you see the mother, Nancy Boland, of your wife and Martha Albert, here in 1866? A I seen her here, yes sir.

Q In the Cherokee Nation? A Yes, sir.

Q Is she living now? A Who is that?

Q The mother, Nancy Boland? A Oh no, she died in '66.

Q Where was she buried? A Buried on this side the river there somewhere.

Q In the Cherokee Nation? A Yes, sir.

Q Did you see the father, Charles Boland I believe was his name? A Yes, sir.

Q In '66 here in the Cherokee Nation? A Yes, sir.

Q Is he alive now? A No, sir, he is dead.

Q When did he die? A He died in '78.

Q Where was he buried? A He is buried on Lees Creek.

Q In the Cherokee Nation? A Yes, sir.

Mr. Hastings: On whose place is Nancy Boland, the mother of Martha Albert and also of your wife, buried; who owns that place now?

A She was buried at what was called the Jack Gambrell graveyard, my wife.

Q This Nancy Boland, where is she buried? A She is buried I think at Mrs. Franklin's graveyard.

Q Do you know it? A That is where I was told she was buried.

Q What time did she die? A She died in '66.

Q Spring, summer or fall; before you married or after? A Just before I married.

Q Did you ever see her? A Seen her many a time.

Q In Texas? A No sir, never seen her in Texas.

COMMISSION 10-18-11  
DEPARTMENT OF THE INTERIOR

SEP 14 1901  
P.M.

in the case of Martha Robert and the referred cases, that the Cherokee Nation desires to introduce testimony in this on Friday, the 13th inst., between the hours of eight in the morning and five in the afternoon.

Notice: The applicant will on said date introduce additional testimony as was made at bar.

Continuation: This testimony will be filed in the following Cherokee Protection cases: D-42, D-142, D-152, D-99, D-100, D-101, D-102, D-103, D-104, D-105, D-114, D-150, D-151, D-152.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 13th of September, 1901.

[Signature]

Commissioner.

COMMISSION TO THE EXECUTIVE  
DEPARTMENT OF THE INTERIOR

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K I T E

and that he still lived there until the war closed and moved back, but I never was acquainted with him until '89 or '90.

Q Well, did he say where they went to Texas? No, sir, I don't remember.

Q Well, as to the war, did he say before the war? A It must have been before the war.

Q Did he say that his wife and children were sold? A I think he did. I don't know the positive about that, but I think he did. I remember the one that told me he was mighty lousy and working in the there was a plantation and chopping cotton and talking about life up and down down there in Texas, and that makes me think that you know, I asked him you come from down here in Texas and he told me about his wife and children being sold out, and as to the date, he told me before the war they were sold out, I wasn't positive about that, but it seems to me that he did, and that he came back of the war, or after the war a while, he came back, but I don't remember anything about the time, date; I never was acquainted with him until '89; he made a crop there that year and was down here at Pyrdue's in the creek and we made a crop there that year and I made a crop there in '90.

Q Tell me you ever hear Fannie Albert say anything about her husband? A She came from? Well she claimed to be from Texas. I don't know whether that she came from Texas. I never heard Fannie Albert say anything about it, and she was not about our house, but there were they worked for me a great deal.

Q Do you remember whether Eldon made any statement as to who his wife formerly belonged to up here in this country before the war?



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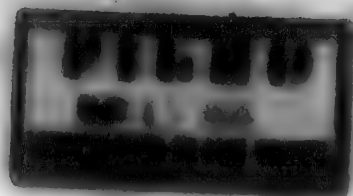
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[illegible]

- Q. Did you ever get one from anybody with reference to hunting up testimony in this case? A. I saw Mr. Rogers.
- Q. What Mr. Rogers? A. That man over there behind Mr. Neal.
- Q. What interest did he have in the case? A. I couldn't tell you. He just asked me to go over there and see if I could find anybody that knew those people.
- Q. Who did you go to ask? A. Mrs. Susie Walkingstick.
- Q. What interest did you have in going around over the neighborhood asking people if they knew about the people in this case? A. They had asked me to do it as a favor.
- Q. Did you have any interest in the case? A. No sir.
- Q. How many slaves did Johnson Whitmire have when the war came up? A. I don't know -- several.
- Q. Let's have the names of some of them? A. One was called Day, one Nancy, Wena, Rachel. I believe that is all I know the names of. There were several more, but I don't remember their names.
- Q. How far did Jack Alberty live from Johnson Whitmire? A. About 8 miles.
- Q. How far did Jeff Tik-nee-sky live from Johnson Whitmire? A. About three or four miles.
- Q. Do you recall that Johnson Whitmire owned this slave and her mother when the war came up? A. Of course he owned them.
- Q. You will swear that? A. Of course I will.
- Q. And he owned her mother at that time? A. Yes sir.
- Q. Was she very old? A. Not very.
- Q. Did she have any more children? A. I don't know. I wasn't that well acquainted with her. I was over there a good deal, but I didn't know about her business.
- Q. Wouldn't you know whether she had any other children besides this Martha? A. I don't know.
- Q. Didn't she have one older than Martha? A. I don't know.
- Q. And didn't she have two younger than Martha? A. I don't know.
- Q. But you know Nancy and Martha? A. Yes sir, but I met them out on Red River after peace was made, and that is how I knowed so much about them.
- Q. You didn't know that she had a brother or any sisters? A. She had some brothers I guess.
- Q. What were their names? A. One went by the name of Nelson, one was Aaron, and one was Lewis.
- Q. Did they belong to? A. I think they were kinder in partnership between Johnson Whitmire and George Whitmire.
- Q. Did you know the father of Johnson and George Whitmire? A. No sir.
- Q. He died long before the war, didn't he? A. I guess so. I never knew him at all.
- Q. When did Williamson get Day? A. I don't know about that.
- Q. Who took this applicant and her mother south? A. Cornelius Wright.
- Q. Is that Gale Wright's father? A. Yes sir.
- Q. Then Gale Wright could know about that? A. I guess he would.
- Q. How do you know they went south with Cornelius Wright? A. They told me so.
- Q. How old was this applicant when the war came up? A. I could not tell you. I was about 18 years old, and she wasn't as large as me.
- Q. How old she five years old? A. I don't know.
- Q. Was she three? A. I don't know.
- Q. Was she two? A. I have no idea about her age.
- Q. Do you want to tell this Commission under oath that you know this particular girl and yet can't tell whether she was 18 or two years of age? A. She was over two.

- Q. What is your best judgment, if you are going to tell the truth?  
A. I guess she was 13 or 14 years old.
- Q. You say she went south with Cornelius Wright? A. Yes sir.
- Q. Did Cale go with his father? A. I don't know whether he did or not.
- Q. Weren't you in the neighborhood? A. No sir, I was a soldier.
- Q. Who was the reputed father of this applicant? A. I never knew him.
- Q. Did you ever know of a free nigger by the name of Charley Rowland? A. No sir.
- Q. He didn't live around there? A. He might have, but I didn't know him.
- Q. He didn't go over with Dillingham? A. I don't know.
- Q. You would have known it if he had? A. I might not have seen them when they left, but just heard of it.
- Q. You know that Dicey went off with Dillingham? A. Yes sir.
- Q. and she had a child by the name of Martha? A. Yes sir.
- Q. And you swear that this Nancy and her child Martha were living there with Johnson Whitmire in Going Snake District when the war came up? A. Yes sir.
- Q. And yet, you do not know how old she was? A. I guess she was 13 or 14 years old.
- Q. How long was it immediately before the war that you saw this child at Johnson Whitmire's? A. I was around there several times, and I don't know just when was the last time.
- Q. When was the last time you were at Johnson Whitmire's before the war? A. I couldn't tell you that.
- Q. You must tell us what is your best judgment. You are under oath now? A. In those days I didn't keep any account of my whereabouts. I was a young man and didn't keep any account.
- Q. Were you in the country when the war came up? A. Yes sir.
- Q. How long before the war came up was it that you were at Johnson Whitmire's? A. Just a short time.
- Q. How long was it before the war that you saw Nancy at Johnson Whitmire's? A. I couldn't tell you.
- Q. Was it ten years? A. It might have been.
- Q. It might have been 15 years? A. It might have been.
- Q. You are not going to be positive on that point? A. No sir.
- Q. It might have been as much as four or five years before the war that you last saw Nancy and this child at Johnson Whitmire's? A. It might have been a year or six months.
- Q. When you were at Jeff Tik-nee-sky's you didn't know anything about these people? A. Yes I did.
- Q. Did you tell him that you knew them -- that you knew this applicant's mother? A. Yes sir.
- Q. Did you tell Jeff what you have told on this stand? A. I told him that I knew of one being names Nancy, and I told him the other one, I told him of the one that Dillingham took out -- that that one was called Dicey and her daughter was called Martha.

MR. REAL:

- Q. Did you go into the army when the war first broke out? A. Yes sir.
- Q. Were you around there until you went off to soldiering? A. Yes sir.
- Q. Then you were in that neighborhood until the war broke out? A. Yes sir.
- Q. In your cross examination you told Mr. Hastings that it might have been 10 or 15 years or six months that you lived within two miles of Johnson Whitmire and didn't go down there. Do you mean that you lived there that long and didn't go about his



- place? A. Yes sir.
- Q. Then you don't know whether you stayed there five years before the war or not? A. No, I couldn't tell you how long it was. I was over there now and then.
- Q. Every four five years or what? A. Maybe every two or three weeks.
- Q. Were you over there every two or three weeks before the war broke out? A. Yes sir, maybe it would be a month.
- Q. Do you mean to say that before the war broke out you were over there every three or four weeks or every four or five years? A. It was a short time.
- Q. Were you over there every week or two or every year or two? A. Every week or two.
- Q. When you said you didn't know how long it was, you meant that you didn't know how many days it was before you went to the army? A. Yes sir.
- Q. Did you see Nancy within a month or six weeks before you went away? A. Yes sir, I think so. It has been a long time ago and a man can't remember all of these things. Lots of things have slipped my memory.

MR. HASTINGS:

- Q. Wasn't Watt Whitacre, being a son of Johnson Whitacre, in a little better position to know what slaves his father had than you were? A. I guess he would. He knew them better than I would for he was with them every day.

COMMISSION:

- Q. When were you last at Johnson Whitacre's before the war broke out? A. I couldn't tell you exactly.
- Q. What is your best judgment? A. It might have been two or three weeks or a month.
- Q. Was it within a short time before the war broke out? A. Yes sir.
- Q. Do you state now as a positive fact that when you were there the last time, that you saw this applicant there? A. Yes sir.
- Q. The last time you were at Johnson Whitacre's before the war she was there? Do you state that as a fact, now? A. Yes sir, she was there, but she was never taken out of there.
- Q. Well, she was there or else she was not? A. Yes sir, she was there, but she never was sold out.
- Q. Were any of the other slaves there? A. Yes sir.
- Q. How often have you seen this witness since the war? A. Just one time -- then I saw her yesterday or the day before. I saw her out on Red River before '65.
- Q. Since '65 up to a couple of days ago you haven't seen her at all? A. No sir.

(Witness identifies his signature attached to an affidavit which is shown him.)

- Q. Are you willing to swear now, Mr. Alberty, that this woman, whom you haven't seen for forty years is the same woman that you saw at Johnson Whitacre's just before the war? A. Yes sir, I saw her out on Red River in '65, and she is the same one.
- Q. And you haven't seen her since until a few days ago? No sir, I haven't.
- Q. In January of this year was your attention drawn to the fact

about some Martha Albert --- about four months ago? A. Not that I know of.

Q. Do you remember this paper that I showed you a while ago? A. Yes sir.

Q. Did you read that paper before you signed it? A. Yes sir.

Q. Four months ago you swore before Mr. Rogers, a Notary Public, that you had known this woman all her life time, and now you state that from the time you saw her down on Red River, in '65, until a few days ago you didn't see her at all? A. I couldn't see her all the time.

Q. It is a fact that you had not seen her since '65 until a few days ago? A. Yes sir, I hadn't.

Q. Prior to that time you had signed this affidavit, hadn't you? A. Yes sir.

(Reference is made to an affidavit signed by the witness in the case of this applicant, signed January 10, 1905, before H. L. Rogers, Notary Public, and which is a part of the petition for a rehearing, addressed to the Department of the Interior and to the Honorable Commissioner of Indian Affairs.)

MR. NEAL:

I have one other witness, Martha Williams, who is the Martha that was sold by Johnson Whitmire to Dillingham. She lives at Marlton, and we sent a man down after her, and this morning I got a message stating that she is sick, and that a doctor's certificate has been procured. As soon as she is able to travel I would like to bring her up here and take her testimony? The testimony of this witness is important, because she is the Martha that belonged to Johnson Whitmire and who was sold out to Dillingham.

WITNESS EXCUSED.

Martha Albert recalled for additional cross examination.

MR. HASTINGS:

Q. What is your name? A. Martha Albert now.

Q. What was your father's name? A. Charley Newland.

Q. What was your mother's name? A. Nancy, but she was called Fannie when she was young.

Q. How old are you? A. I think I am about 60 years old, but I don't know exactly. I am not educated and can't tell my age exactly.

Q. Were you married before the war? A. No sir, I was just a little girl.

Q. Were you married during the war? A. About the last year of the war.

Q. Where? A. On Red River.

Q. Who did you go south to Red River with? A. With Cornelius Wright's daughters.

Q. Who took them? A. Cornelius Wright took them, and there was another lot went along. We all went together, but I was so small that I didn't pay much attention.

Q. Did you know any of Cornelius Wright's folks? A. Yes sir, I knewed Alf Wright, and Aunt Jinnie, and Aunt Darcus.

Q. Did Cornelius Wright have any children? A. Yes sir.

Q. What were their names? A. I can't tell you, for it has been a long time ago, and I can't remember their names.

- Q. You can't recall the name of any one he had when the war came up? A. I can remember them, but I can't remember their names.
- Q. You can't remember the names of any of them that went south with you? A. No sir.
- Q. Where did Cornelius Wright live when the war came up, and about when you started south? A. On the other side of Barren Fork.
- Q. On which side of Barren Fork was that? A. On the north side.
- Q. How far from Barren Fork? A. I didn't go out there and measure it, Mr. Hastings, I was too young.
- Q. What was Cornelius Wright's wife's name? A. Her name was Sarah, I think.
- Q. Was she living when the war came up? A. It seems to me like she was dead.
- Q. How long had she been dead when the war came up? A. You must recollect that I was a child and don't remember lots of things. You must give me a chance the same as anybody else. You folks didn't give us niggers no education so we could know and remember things like that.
- Q. About how long before the war did Sarah Wright die? A. I don't know.
- Q. Will you swear that she didn't go south with Cornelius Wright? A. I don't know.
- Q. You are sure her name was Sarah? A. I said I thought it was. What did us niggers know about that. All we could call them was Mistress, and most always that was all we knewed about their names.
- Q. What was Cornelius Wright's childrens names that went south? A. I don't know.
- Q. You didn't have to call them Master and Mistress did you? A. Sometimes we did, and then it has been so long ago that I have raised a family myself since then.
- Q. What was Johnson Whitmire's wife's name? A. She was named Temple.
- Q. Was she the wife that was living with him when the war came up? A. I think she was, but I wouldn't be positive.
- Q. Was you their slave? A. Yes sir, and he had plenty of slaves besides me.
- Q. How many children did Johnson Whitmire and his wife, Temple, have? A. I will tell you the truth, and I wouldn't swear a lie to get on this roll. I don't know their names -- none but one. I knowed Watt, and that is the only one.
- Q. You know him because you heard me call his name, and because he was a witness against you in this case. How old was Watt when the war came up? A. He was a good sized boy, but I was the largest.
- Q. If you were a child with them and Johnson Whitmire had some more children, why don't you remember their names? A. I just tell you about that. If you had been raised up a slave in the backwoods like us you would not know your playmates' names.
- Q. The truth of the business is, you weren't there? A. Yes sir, I was right there.
- Q. Did he have a brother names George Whitmire? A. Yes sir.
- Q. What children did George Whitmire have? A. He didn't live right there.
- Q. How far did he live from Johnson Whitmire? A. I don't know. I know he lived in the country somewhere.
- Q. About how far? A. I don't know.
- Q. You never were at George Whitmire's? A. I belonged to Johnson Whitmire.
- Q. You never were at George Whitmire's? A. No sir.

- Q. You don't know whether he had any children or not? A. I think he did.
- Q. You don't know any of Johnson's children but Watt, and you did not know him until he testified against you? A. Yes sir, I knew him before.
- Q. But you never knew any of the rest of them, did you? A. I don't know.
- Q. Where did Johnson Whitmire live when the war came up? A. He lived up in Going Snake District.
- Q. Near what town? A. Tahlequah.
- Q. About how far from Tahlequah? A. I don't know.
- Q. Your best judgment? A. I didn't have no judgment about it.
- Q. You weren't there, were you? A. I was born and raised right there on the old Whitmire place.
- Q. How far is it from Tahlequah? A. I don't know.
- Q. Was it as much as two miles? A. I never have measured it.
- Q. Was it a mile and a half -- what is your best judgment? A. It might have been a mile and a half or five miles.
- Q. Is five miles your best judgment? A. My best judgment is that I don't know.
- Q. Is five miles your best judgment? A. I don't know how far it was.
- Q. On what side of Barren Fork did he live? A. On the north side.
- Q. How far did he live from the creek? A. I don't know that. He didn't live so powerful fur though.
- Q. Was it five miles? A. No, I don't think it was that fur.
- Q. Right when the war came up how far did Johnson Whitmire live from Barren Fork? A. I guess his old home is sitting there right now, on the north side of Barren Fork.
- Q. How far from the creek? A. I couldn't answer less'n I know.
- Q. I want to know whether it was a short distance, or how far? A. If I had been a young woman I might have been able to tell you.
- Q. How old were you? A. I must have been four or five years old.
- Q. And yet, you were married the last year of the war? A. I was 13 or 14 years old when I married.
- Q. What became of your mother? A. She died.
- Q. Where did she die? A. Down in Sequoyah.
- Q. Did your father go south with you? A. He didn't go with us but he came.
- Q. You remember seeing him around Johnson Wright's before you went? A. Yes sir, but his home was on Pea Vine.
- Q. What kind of a house did Johnson Whitmire live in? A. I think it was a big log house.
- Q. Are you certain about that? A. No sir, I won't be certain.
- Q. Did he live on the hill or in the valley? A. On the side of the hill.
- Q. And you were four or five years old? A. I suppose I was about that old.
- Q. You were born in '43 and left in '47? A. I don't know. You ask me too tight questions. If I was sold I would say so.
- Q. How many slaves did Johnson Whitmire have? I mean when the war came up? A. He had old aunt Tempie, Artie, Nane, Celie, Mary, Nancy and me.
- Q. Did Celie have any children? A. No sir.
- Q. Did Tempie? A. She had two.
- Q. Were they older or younger than you? A. Older.
- Q. Did they have any about your age? A. No sir.
- Q. Did Mary have any children? A. Yes sir.
- Q. What were their names? A. One was named Bess and one was named Tom.



- Q. You don't know how far from Barren Fork Johnson Whitmire lived, though? A. No sir.
- Q. You didn't know any of his children but Watt? A. I did know them, but I have forgot their names.
- Q. You didn't know any of Cornelius Wright's children's names? A. No sir.
- Q. You do not know the names of any of George Whitmire's children? A. No sir, we didn't belong to George.

COMMISSION:

- Q. You have some children, haven't you, that you applied for? A. Yes sir.
- Q. Elijah and Ida are two of them? A. Yes sir.
- Q. Who is the father of these children? A. Golly Albert.
- Q. He was a state man, wasn't he? A. Yes sir. Old man Bushyhead raised him, but he didn't belong to him.
- Q. How many times have you been married? A. Just the one time.
- Q. What was your husband's name? A. Golly Albert.
- Q. He doesn't claim any rights as a Cherokee Freedman? A. No sir.
- Q. You have a child called Henry? A. Yes sir.
- Q. Has he got some children? A. Yes sir.
- Q. What are their names? A. Harry, Raymond, and Louie.
- Q. Who is the mother of these children? A. Florence.
- Q. She is a state woman? A. Yes sir.
- Q. She doesn't claim any rights as a Cherokee Freedman? A. No sir.
- Q. You have a girl called Lillie White? A. Yes sir.
- Q. She has some children? A. Yes sir.
- Q. Who was the father of those children? A. Henry White.
- Q. He is a state man? A. Yes sir.
- Q. Have you a child called Nancy Balkan? A. Yes sir.
- Q. Has she any children? A. Yes sir.
- Q. Their father doesn't claim any rights as a Cherokee Freedman? A. No sir.
- Q. Have you a daughter named Malinda? A. Yes sir.
- Q. Has she any children? A. Yes sir, six.
- Q. Does the father of those children claim any rights as a Cherokee Freedman? A. No sir.
- Q. Are they all living? A. Malinda is dead, but her children are all living.
- Q. What relation is Jennie Barnes to you? A. She is my sister.
- Q. A full sister? A. Yes sir.
- Q. Did you have the same father and mother? A. Yes sir.
- Q. Is Robert Barnes Jennie Barnes' son? A. Yes sir.
- Q. The father of Robert was a state man? A. Yes sir.
- Q. Jennie Barnes had a daughter called Lula Knalls? A. Yes sir.
- Q. And she has two children? A. Yes sir.
- Q. What are their names? A. Sarah French and Fred E. Knalls.
- Q. Was the father of Sarah French a state man? A. Yes sir.
- Q. What about the father of Fred? A. He was a state man.
- Q. Who was the father of R-430? A. He was a state man too.
- Q. He is dead, isn't he? A. Yes sir. A. Yes sir.
- Q. John Barnes is a son of Jennie Barnes, too? A. Yes sir.
- Q. His father was a state man? A. Yes sir.
- Q. The mother of Sarah and John is a state woman? A. Yes sir.
- Q. Sarah French has got a child called Maggie Williams? A. Yes sir.
- Q. What is its father's name? A. Marcus Williams.
- Q. He is a state man? A. Yes sir.
- Q. Jennie Barnes had a daughter named Maggie, and Maggie had a son named George I. Ball. Who was the father of this child? A. George Smith, or Ball.
- Q. Is he a state man? A. No sir.



Q. He was denied as a Cherokee Freedman? A. Yes sir.

WITNESS EXCUSED.

Witnesses for the Nation.

Watt Whitmire, being duly sworn, testified as follows:

MR HASTINGS:

- Q. What is your name? A. Watt Whitmire.  
Q. What is your post office? A. Westville.  
Q. What is your age? A. 53.  
Q. Are you a Cherokee by blood? A. Yes sir.  
Q. What was your father's name? A. Johnson Whitmire.  
Q. What was your mother's name? A. Charlotte.  
Q. Was your mother living when the war came up? A. No sir.  
Q. How long had she died before the war? A. I don't recollect.  
I was just an infant when she died. I think she died about ten years before the war.  
Q. Had your father remarried when the war came up? A. Yes sir.  
Q. What was his wife's name then? A. Tempie.  
Q. Did you have any brothers and sisters living when the war came up? A. Yes sir. I had one full brother by the name of William, older than me, and then I had some half brothers, names George and Ellis, and a sister named Charlotte.  
Q. Do you know this applicant that goes by the name of Martha Albert? A. If I ever saw her before I don't know it.  
Q. Did your father own some colored people when the war came up? A. Yes sir.  
Q. Did he own one called Nancy when the war came up? A. No sir.  
Q. Did your father own this colored applicant, who claims that she is the daughter of Nancy, when the war came up? A. There was no Nancy on the place.  
Q. Did your father own this applicant? A. No sir, she wasn't on the place.  
Q. Were you living with your father when the war came up? A. Yes sir.  
Q. How far were you living from Barren Fork? A. Right at two miles.  
Q. On which side of the creek? A. South side.  
Q. Did you ever live on the north side of Barren Fork? A. No sir. (end)  
Q. Do you know Andy Alberty, whose post office is Stillwell? A. Yes sir.  
Q. He has just testified upon the stand that your father owned a nigger slave by the name of Nancy and this applicant, who was the child of Nancy when the war came up. Was that true? A. No sir, he never owned no woman by the name of Nancy.  
Q. How far did Andy Alberty live from your father when the war came up? A. As near as I can guess it, it was 7 or 8 miles.  
Q. What kind of a house did your father live in? A. A double log house.  
Q. You say your own mother was dead? A. Yes sir.  
Q. Was your stepmother living when the war came up? A. Yes sir.  
Q. What became of your father's slaves? A. When father went south we left the woman folks all at home. The men had all gone north before we left home. He and my brother, George, were the last ones to leave the place, and we left all the woman folks on the place, and after we left they all went north.

- Q. None that you owned went south? A. Not one.
- Q. Where did you go during the war? A. Down on Red River on the Choctaw side.
- Q. Did you know Cornelius Wright? A. Yes sir.
- Q. Did you know his son, Cal? A. Yes sir.
- Q. How far did they live from there? A. Some five or six miles.
- Q. On what side of Barren Fork? A. On the southeast side from us.
- Q. Did you see them down on Red River during the war? A. Yes sir.
- Q. Did they have some slaves down there? A. Yes sir.
- Q. Did they have a woman by the name of Nancy? A. If they did I don't know it.
- Q. Did you ever see this applicant down there? A. No sir.
- Q. Did you ever see her anywhere before? A. No sir, this is the first time I ever saw her.
- Q. How long were you all and Cornelius Wright's people together in the Choctaw Nation? A. I don't know. We moved away and left them there. We moved there in the early fall and left early the next spring, and we left Cornelius Wright's folks living there.
- Q. They were related to you? A. Yes sir.
- Q. You know that Cornelius Wright didn't have any slave of your father's by the name of Nancy, down there? A. No sir.
- Q. Did you ever know the alleged father of this applicant who she said went by the name of Charley Bowland? A. No sir.
- Q. Was he in your neighborhood before the war? A. I never heard of him.
- Q. Did you see him down on Red River during the war? A. No sir.

MR. BEAL:

- Q. You say you and your brother went off and left the women folks there? A. Yes sir.
- Q. You mean the slaves? A. Yes sir.
- Q. You also said that they all went north? A. Yes sir.
- Q. Do you know where they went? A. I don't know only what they told me. After the war they told me they went to Fort Scott. One of the men told me that.
- Q. You don't know of your own personal knowledge, where they went? A. No sir, I just have their word.
- Q. You say that one of the men told you? A. Yes sir, Dick and Mose both told me that the women folks were all in Fort Scott.
- Q. You said the men folks all went north? A. Yes sir, they went north first -- before we left.
- Q. All you know about where the women folks went is what Dick and Mose told you, and they left before you did? A. Yes sir.
- Q. You say your father didn't own any slave by the name of Nancy? A. No sir.
- Q. Did he own one by the name of Nannie? A. Yes sir, there was a little girl by the name of Nannie.
- Q. How old do you say you are? A. 33.
- Q. That would make you how old when the war broke out? A. Between 9 and 10.
- Q. You were acquainted with all of your father's slaves, were you? A. Yes sir.
- Q. Know all of the children? A. Yes sir.
- Q. How many children did Rachel have? A. 3 or 4 -- I don't know just exactly whether it was 3 or 4.
- Q. How many children did Seckie have? A. There was Charlotte, Lisa, Ibb, and Mary.
- Q. There was a slave there named Fronie? A. Yes sir, but I have forgot which woman was her mother.

- Q. How many children did Fronie have? A. One.
- Q. Of your knowledge, you don't know where your father's slaves went? A. Not only what they told me. They told me they went north.
- Q. You never have seen any of the women folks since then? A. Not since the war.
- Q. You don't know where they are now, do you? A. Not for certain. I never have been right to their houses.
- Q. You never have spoken to one of the negro women that belonged to your father, since the war? A. No sir.
- Q. The only slaves of your father's that you have seen are Hoss and Dick? A. Yes sir.
- Q. How many slaves did your father have when the war broke out? A. I would have to count them up.
- Q. About how many? A. I guess there were 18 or 20, children and all.
- Q. You have named four children of Rachel's --- A. As well as I recollect, I said there were that many.
- Q. Five of Sookie's? A. Yes sir.
- Q. And one of Fronie's? A. Yes sir.
- Q. How many more children were there? A. There was one by the name of Charlotte that had one or two children I think.
- Q. Do you think that, being only 8 or 10 years old, you would recognise a woman 55 or 60 years old who was a girl at the outbreak of the war? A. I guess not.
- Q. Then you don't know anything about Martha Albert -- anything about who she is, or anything about her? A. No sir.
- Q. If she belonged to your father you don't know it? A. No sir.

MR. EASTMAN:

- Q. You know your father didn't have a grown woman, with children, by the name of Nancy when the war came up? A. No sir, he didn't.

COMMISSION:

- Q. You have testified in this case before? A. Yes sir.
- Q. Are you the Wats Whitmire that testified at Fort Gibson in 1901? A. Yes sir.
- Q. Do you know this man, Dillingham? A. No sir, I have heard of him frequently.
- Q. Did he live in your neighborhood? A. I think not. I have heard my father speak of him.
- Q. You do not know how near he lived to your home, do you? A. No sir, I know the place they said he lived on.
- Q. You know this Andy Alberty that testified here awhile ago? A. Yes sir.
- Q. Did you know him before the war? A. No sir.
- Q. When was the first time you ever knew him? A. Since the war I got acquainted with him.
- Q. You don't know whether he was in the habit of visiting your father's house or not? A. No sir.
- Q. Your mother's name was Lettie? A. Charlotte.
- Q. You belonged to the second marriage? A. No, the first.

MR. KEAL:

- Q. How long before the war was it that your father married Temple? A. I don't recollect just when it was. I was a boy, up and running around, I guess two or three or four years old. It was any way, three or four years before the war.
- Q. You were about 8 or 10 when the war broke out? A. Yes sir.



MR. HASTINGS:

- Q. Was there any other Johnson Whitmire living around there before the war? A. No sir.

COMMISSION:

- Q. Do you know what year it was that you went to Red River? A. No sir, I don't.  
Q. What is your best judgment as to what year it was? A. It would have to be a round about guess. I guess it was the second year of the war.  
Q. Do you remember distinctly about going to the Choctaw Nation? A. Yes sir.  
Q. You remember the trip down there, and the people you met down there? A. Yes sir.

WITNESS EXCUSED.

Cale Wright, being duly sworn, testified as follows:

MR. HASTINGS:

- Q. What is your name? A. Cale Wright.  
Q. Where do you live? A. Tahlequah.  
Q. How old are you? A. I am 59.  
Q. What was your father's name? A. Cornelius Wright.  
Q. Were you living with your father when the war came up? A. Yes sir.  
Q. Where? A. About 3 or 4 miles west of Dutch Mills, on the Cherokee side.  
Q. What District? A. Going Snake.  
Q. How far from Barren Fork? A. About two and a half miles, I guess.  
Q. Where did your father go during the war? A. South.  
Q. Did you go with him? A. I didn't exactly start with him, but I got with him at Fort Smith when he was on the way.  
Q. Did you continue on the trip with him? A. Yes sir.  
Q. Where did you go to? A. The first place we stopped at was Armstrong's Academy in the Choctaw Nation, then we moved from there down to 10 miles south of Doakville, near Red River.  
Q. Do you know this applicant, Martha Albert? A. No.  
Q. She has testified that she and her mother, Nancy went south with your father during the war, and that her mother, Nancy, belonged to Johnson Whitmire, as well as herself, at the beginning of the war? Is that true? Did a Nancy Whitmire, who had one or two children, go south with your father? A. They were not with him when I came up with him.  
Q. Did they have a Nancy Whitmire anywhere on that trip? A. No sir.  
Q. Were you ever about Johnson Whitmire's place before the war? A. Yes sir, I boarded there and went to school two sessions.  
Q. And you lived in his neighborhood? A. Yes sir, within five miles.  
Q. Did Johnson Whitmire have some slaves? A. Yes sir.  
Q. Did he have a slave by the name of Nancy who had some children when the war came up? A. No sir. I never heard of that name while I was there going to school.  
Q. You lived in the same neighborhood? A. Yes sir.  
Q. You are related to Johnson Whitmire? A. I suppose we were distantly related, but I don't know how much.  
Q. You do not know the degree of relationship? A. No sir.

- Q. Did you ever see this applicant down south after the war or during the war? A. I am just looking at her. Let me talk to her some and see.
- Q. Are you satisfied, from the conversation that you have had with her, that she was with your father down south? A. No, she could not have been.
- Q. Did you know this Andy Alberty? A. Yes sir.
- Q. How far did he live from Johnson Whitmire before the war? A. It must have been 8 miles, across the mountain.
- Q. You swear positively that you father didn't have a woman by the name of Nancy, and her child, that belonged to Johnson Whitmire, down on Red River during the war? A. No sir.

Applicant to witness --- Was Arthur with you? A. No.

Q. Was Rose? A. Yes, there was a Rose -- Lucindy's daughter.

Q. Was Jinnie with you? A. Jinnie died in '61.

MR. HASTINGS:

- Q. You know that no Nancy Whitmire went south with your father? A. No sir.

MR. NEAL:

- Q. You said just now that you judge from your conversation with the applicant, that she couldn't have been with your father down there? A. No sir, she couldn't.
- Q. The reason that you say she was not with your father is because she doesn't seem to know enough about the people? A. That is it.
- Q. Upon that you base your judgment? A. Yes sir.
- Q. There were a good many slaves that went with your father down there? A. Yes sir, several.
- Q. Did any of the Whitmire niggers go with your father? A. No. The Whitmire's went out there themselves and we all went to ourselves, and at last we all got into the same neighborhood before we started back.
- Q. You didn't go out the Territory at all? A. No, we stopped on the north side of the river in the Choctaw Nation.
- Q. You say that you boarded at Johnson Whitmire's and went to school, and you say he had no slave named Nancy -- name some of his slaves --- A. You call them off.
- Q. I want you to call them off? A. He had Hannah, Myra, Fronie, Rachel, Abby, Mary, and there might have been some young ones, but these are the elder ones.
- Q. Didn't he have one named Jane? A. Not that I know of.
- Q. Didn't he have one named Mattie? A. No.
- Q. Didn't he have one named Fannie? A. Well, I don't know, but if he did she must have been mighty small.
- Q. Didn't he have one named Beekie? A. Yes, there was one named Beekie.
- Q. Do you know the names of any of the men? A. Yes, there was Dick, Moss, Mike, Frank, and Mark.
- Q. What was Johnson Whitmire's wife's name when the war came up? A. Her name was Tempie.
- Q. Were you acquainted with his first wife? A. No, she was dead long before I could remember her.
- Q. How old were you when you boarded there? A. It was along in '50. I was a good big chap.
- Q. You remember the names of all of these slaves by having boarded there? A. Yes sir.
- Q. How far did you live from there? A. About 8 miles, I reckon. In our country we had what we called bridge ways that were



nearer, but it was about 5 miles around.

MR. HASTINGS:

- Q. Did you mean in the year '80 or between '80 and '80? A. Yes sir, that is it -- between '80 and '80.
- Q. About how long before the war? A. I couldn't tell that. The war broke out in '61, and it must have been three or four years before the war.
- Q. Were you there frequently besides boarding there? A. Yes sir.

MR. NEAL:

- Q. You said when you were south on Red River that the Whitmire folks got into the same neighborhood? A. Yes sir.
- Q. And some of the slaves were there? A. Yes sir.
- Q. Old man Johnson Whitmire didn't carry out any slaves? A. I think George had a slave or two.
- Q. You say that none of Johnson Whitmire's slaves were there? A. No, they all went north.

COMMISSION:

- Q. Have you ever seen this woman before, to your knowledge? A. No sir, I don't know anything about her.
- Q. How far do you live from Melvin? A. I live up to Tahlequah, and I don't know just how far it is.
- Q. Do you know any of these applicants --- any of this woman's children? A. No sir.

WITNESS EXCUSED.

J. W. Alberty, being duly sworn, testified as follows:

MR. HASTINGS:

- Q. What is your name? A. J. W. Alberty.
- Q. What is your post office? A. Westville.
- Q. How old are you? A. Well sir, I will be 71 years old the 24th day of July.
- Q. This is the case of Martha Albert, in which you have given testimony before? A. Yes sir.
- Q. You knew Johnson Whitmire before the war? A. Yes sir.
- Q. How far did you live from him? A. Six or seven miles.
- Q. You testified about the sale of some slaves to a man by the name of Dillingham? A. Yes sir.
- Q. About when did he sell them to Dillingham? A. It was either in '47 or '48.
- Q. Do you know this applicant here? A. No sir.
- Q. She has testified that her mother was named Nancy and that her father was named Charley Dowland. Did you know the Nancy, the alleged wife of Charley Dowland? A. Yes sir.
- Q. Who did she belong to? A. Old man Dillingham moved the Texas and took this family with him.
- Q. To whom did she previously belong? A. To Johnson Whitmire.
- Q. And Dillingham acquired her from Johnson Whitmire in the year of 1847 or 1848? A. Yes sir.
- Q. Are you certain that her name was Nancy? A. Yes sir.
- Q. What became of Charley Dowland? A. He went with Dillingham.
- Q. Do you know whether Nancy had some children? A. She had two or three.
- Q. You don't know whether this applicant was one of them or not? A. No sir.

- Q. Did Johnson Whitmire have a grown slave by the name of Nancy when the war came up? A. No sir, not that I know of.
- Q. You were familiar with him? A. Yes sir.
- Q. Are you prepared to say that Charley Bowland was not in that country when the war came up? A. Yes sir.
- Q. Do you know Andy Alberty? A. Yes sir.
- Q. Is he a relative of yours? A. Yes sir.
- Q. Where did he live before the war? A. He lived right close to Oak Grove school house.
- Q. How far from Johnson Whitmire's? A. Between 7 and 8 miles.
- Q. Then Nancy, the wife of Charley Bowland, was taken south? A. Yes sir.
- Q. What was the citizenship of Dillingham? A. He wasn't no citizen at all, he was just a white man.
- Q. Well, he was a United States citizen, A. Yes sir.
- Q. Where did he live in '49 or '50? A. Before he went to Texas he lived in Arkansas.

MR. NEAL:

- Q. You lived closer to Dillingham than you did to Johnson Whitmire didn't you? A. Yes sir.
- Q. You were better acquainted with Dillingham's slaves than you were with Johnson Whitmire's? A. Yes sir.
- Q. You knew more about this woman after Dillingham bought her than you did when she belonged to Johnson Whitmire? A. Yes sir.

WITNESS EXCUSED.

Jeff Catcher (Tik-nee-sky), being duly sworn, testified as follows:

MR. HASTINGS:

- Q. What is your name? A. Jeff Catcher.
- Q. What is your post office? A. Stillwell.
- Q. How old are you? A. I was 65 the 15th day of last month.
- Q. Are you a Cherokee citizen? A. Yes sir.
- Q. You are also known as Jeff Tik-nee-sky? A. Yes sir, that is my Cherokee name.
- Q. Where did you live before the war? A. In Going Snake District on Pea Vine.
- Q. Close to where you live now? A. About 300 yards west of where I live now.
- Q. Did you know Johnson Whitmire before the war? A. Yes sir.
- Q. How far did you live from him? A. It was about three quarters of a mile, I reckon, maybe a little over.
- Q. Were you a soldier in the Army? A. Yes sir.
- Q. You were about grown when the war came up? A. Yes sir.
- Q. Did Johnson Whitmire have some slaves? A. Yes sir.
- Q. Did he have a grown woman by the name of Nancy, who had some children, when the war came up? A. No sir, I don't recollect one by that name.
- Q. Were you frequently at his house? A. Pretty near all the time. Once a week anyhow. I was there pretty much all the time.
- Q. Do you know this applicant, who gives her name as Martha Albert? A. No sir.
- Q. Did you ever see her before? A. No sir.
- Q. Did you know a white man that lived across the line by the name of Dillingham before the war? A. No, I never saw him, but I

- have heard him talked of a good deal.
- Q. You were too small to remember him? A. Yes sir, but I have heard of him.
- Q. You don't know whether he bought some slaves of Johnson Whitmire or not? A. I don't know. He didn't after I got big enough to recollect.
- Q. Did Johnson Whitmire, when the war came up, have a woman by the name of Nancy? A. No sir.
- Q. What army were you in? A. The Federal army.
- Q. Do you know Andy Alberty? He just testified here awhile ago? A. Yes sir.
- Q. How far did he live from Johnson Whitmire? A. Between 7 and 8 miles.
- Q. Did you know a free colored man in that country by the name of Charley Bowland? A. I have heard of him, but I don't recollect him.
- Q. He wasn't there just before the war? A. No sir.

MR. HEAL:

- Q. You say that you don't remember a woman named Nancy that belonged to Johnson Whitmire? A. No sir.
- Q. You don't mean to say that he didn't have one by that name, but that you just don't remember her? A. If he had one it must have been a small child, for I know all the old ones. I think I can name all the old ones.
- Q. Name them? A. The old women that I knew was Myra, Ma, Sookie, Hannah, Rachel, Fronie, Mary, Charlotte, and the balance were small and I don't recollect their names.

MR. HASTINGS:

- Q. Was Andy Alberty over to see you lately to see about this case? A. Yes sir, last Sunday.
- Q. What did he say to you? A. He asked me if I knew of Mr. Whitmire having a woman by the name of Nancy?
- Q. What did he say about it? A. He didn't say that he knew anything about it. He just wanted to find somebody that knew them.
- Q. Did he say that he knew one at that time by the name of Nancy? A. He didn't say whether he did or not? He just wanted to find somebody that did know her. I told him I didn't think Johnson Whitmire owned any nigger by that name.
- Q. That is the same Andy Alberty that you saw out there in the hall who has just testified here? A. Yes sir.

MR. HEAL:

- Q. As soon as Mr Alberty told you that he wanted to get witnesses who knew this woman who did you go and tell about it? A. I told him that there was an old woman up there, Susie Walkingstick, and that if anybody would know about it she would for she was older than I was. I said, for my part, I didn't know any thing about it. Afterwards, I saw him and told him that what I knew was not in his favor, but will go against him, for I was there and knew all about his niggers.
- Q. You sent him around to see Susie Walkingstick, and told him that if he owned one by that name it was before you could remember? A. Yes sir.
- Q. And then you chased out to see if they wanted witnesses for the Nation? A. No sir.

MR. HEAL:

- Q. How big a place did Johnson Whitmire have? A. About 75 acres in cultivation.
- Q. About how many slaves did he have at the beginning of the war? A. He must have had 15 or 20.
- Q. What was the only place he had in the Cherokee Nation? A. Yes sir.
- Q. Did he have a plantation anywhere else? A. Nothing only a cattle ranch down about Webbers Falls. He and his brother George had a ranch together. They both owned slaves.
- Q. He didn't have any female niggers down at the ranch? A. No sir.
- Q. You are positive that these are the only two places he had? A. Yes sir.

WITNESS EXCUSED.

Charlotte Wright, being duly sworn, testified as follows:

MR. HASTINGS:

- Q. What is your name? A. Charlotte Wright.
- Q. What is your post office? A. Christie.
- Q. How old are you? A. 58.
- Q. What was your maiden name? A. Whitmire.
- Q. Who was your father? A. George Whitmire.
- Q. What relation was he to Johnson Whitmire? A. A brother.
- Q. Where did you live before the war? A. I lived on Barren Fork. West of the Barren Fork station and east of Christie.
- Q. How far from where you are living now? A. About a mile and a half.
- Q. You have lived there all your life? A. Except when I was south during the war.
- Q. Did you go south? A. Yes sir, we were gone four years.
- Q. Where did you go? A. To Red River — near Benham, only we were on the Choctaw side.
- Q. Did you know Cornelius Wright before the war? A. Yes sir.
- Q. Did you see him down on Red River? A. Yes sir.
- Q. Do you know Cale Wright? A. Yes sir.
- Q. You saw these people down south during the war? A. Yes sir, we got to be neighbors down there.
- Q. Did Johnson Whitmire have some slaves before the war? A. Yes sir.
- Q. Do you know this applicant here? A. I don't recognize her.
- Q. Did Johnson Whitmire have a grown woman slave by the name of Nancy when the war came up? A. I don't remember her.
- Q. Was there a free colored man in the neighborhood, by the name of Charley Bowland, when the war came up? A. I never heard of it.
- Q. This applicant gives her mother's name as Nancy and her father's name as Charley Bowland? A. I never knew them.
- Q. Do you state that Johnson Whitmire had any slave by the name of Nancy, who had some children, when the war came up? A. If he did I don't know it.
- Q. He was your uncle? A. Yes sir.
- Q. Were you frequently at his house? A. Yes sir.
- Q. How far did your father live from him? A. I guess it was 5 or 6 miles.
- Q. You lived in the same neighborhood? A. Yes sir.
- Q. And you were frequently at your uncle's place? A. Yes sir.
- Q. Would you stay any length of time? A. As long as a week.
- Q. You knew his family and slaves? A. Yes sir.



- Q. They never had one by the name of Nancy that you knew of? A. No sir.
- Q. Did you see any slaves down south with Cornelius Wright, and among them one named Nancy who claimed to belong to your uncle Johnson before the war? A. No sir, none of his slaves went south that I knew of. They all left him.
- Q. You didn't see any down there that claimed to have belonged to him? A. Yes sir.
- Q. You do not remember to have ever seen this applicant before? A. No sir.

Q.

MR. KEAL:

- Q. You have not seen any of Johnson Whitmire's female slaves since the war, have you? A. No sir.
- Q. You probably wouldn't remember a girl that was 4 or 5 years old? A. I think I would recognize her. I could be mistaken, but I think I would recognize her.
- Q. How old were you when the war broke out? A. I was 14 years old when we had to leave home.
- Q. You say that if Johnson Whitmire had a slave by the name of Nancy you don't know anything about it? A. No sir.
- Q. You don't know that he didn't have any one by that name, but you just don't know about it? A. I never saw one by that name on the place, and I don't think he had one by that name. I don't recollect anything about it, and never heard anything about it.
- Q. You don't know positively that he didn't have one by that name? A. No sir, he didn't have one by that name that I knew of. He didn't have one at home, and I don't think he had any away from home. I never heard of it if he did. But I know there was no one on the place by that name.

WITNESS EXCUSED.

Charles Whitmire, being duly sworn, testified as follows:

MR. HASTINGS:

- Q. What is your name? A. Charles Whitmire.
- Q. What is your post office? A. Prector.
- Q. How old are you? A. 56 I reckon.
- Q. Are you younger than your sister Mrs. Wright? A. Yes sir.
- Q. She was your sister? A. Yes sir, she was always recognized as my sister.
- Q. You are the son of George Whitmire? A. Yes sir.
- Q. Johnson Whitmire was your uncle? A. Yes sir.
- Q. Do you remember Johnson Whitmire before the war? A. Yes sir.
- Q. About how old were you when the war came up? A. I couldn't tell you -- 12 or 14 I guess.
- Q. Were you about Johnson Whitmire's frequently? A. Yes sir, I stayed there a right smart and went to school from his house.
- Q. Did Johnson Whitmire have some slaves? A. Yes sir.
- Q. Did he have a grown woman slave who had some children, by the name of Nancy, when the war came up? A. Not that I remember.
- Q. Well, if he had had one that was old enough to be, and was the mother of some children would you have known it? A. Yes sir, I think I knowed all of the older ones.
- Q. You know of one by the name of Nancy? A. No sir.
- Q. Did you ever see her before? A. Not that I remember.
- Q. Did you ever know a free colored person by the name of Charley



- Rowland in that country? A. No sir.
- Q. Then of course you never knew his wife, Nancy? A. No sir.
- Q. Did you say that you stayed at Johnson Whitmire's and went to school? A. Yes sir.
- Q. Do you know Johnson Whitmire's wife and family? A. Yes sir.
- Q. Is Watt one of the children? A. Yes sir.
- Q. Where did you go during the war? A. I went south to Red River.
- Q. Did you know Cornelius Wright? A. Yes sir.
- Q. Did you see him down there? A. Yes sir.
- Q. Was he Cale Wright's father? A. Yes sir.
- Q. Did he carry any of Johnson Whitmire's slaves down south with him? A. No sir.
- Q. It has been sworn that he took some of Johnson Whitmire's slaves and among them was this woman, Nancy, and this applicant. Is that true? A. If he did, he didn't have them when we got to where they were.
- Q. You were not old enough to know a white man by the name of Dillingham, were you? A. No sir.

MR. NEAL:

- Q. How old did you say you are? A. 56, if I am not mistaken.
- Q. You are older than your sister? A. No sir.
- Q. Who else was boarding down there and going to school? A. Nobody but me and his boy went to school. Sometimes aunt Tempie had two sisters that stayed there and went to school.
- Q. When were you there? A. I don't know.
- Q. Were you there off and on for four or five years before the war? A. I don't know.
- Q. Did you stay there more than one year? A. I went from there for two or three sessions.
- Q. You never happened to be there when anybody else was boarding there? A. I was there when aunt Tempie's sisters were there. I don't remember any body else.
- Q. How many years before the war was it? A. I am not able to tell you what year it was. I stayed at home some, and then I didn't get to go to school but very little.
- Q. Your cousin, Cale, boarded down there and went to school, didn't he? A. I couldn't say whether he did or not. If he went to school, from there when I did I don't remember it.
- Q. You said that you were of the opinion that Johnson Whitmire had no slave by the name of Nancy who was old enough to have children at that time? A. No sir.
- Q. If he did, you don't remember it? A. No sir. I don't remember any of the folks on the place calling one by that name.

MR. HASTINGS:

- Q. If there had been one there by that name would you have known it? A. Yes sir.

MR. NEAL:

- Q. You would remember it all these years would you? A. I don't know, but I think I would. I remember the names of all of the older ones.

COMMISSION:

- Q. Where was this school? A. On Barren Fork, on Pea Vine.

- Q. How far from Johnson Whitmire's? A. About a mile and a half.
- Q. Who had this school? A. An old missionary lady taught the school. I don't remember her name.
- Q. Was it a kind of a convent school? A. It was kept up by the Cherokee Nation. It was a public school.
- Q. How far away was the nearest school to it? A. I couldn't say positively just how far away. I expect it was 8 miles. I wouldn't be positive, but I expect it was that far.
- Q. Was Johnson Whitmire in the habit of taking boarders to attend school? A. Yes sir, and so did my father.
- Q. You were convenient to the school, and the people from the neighboring vicinity sent their children over there to board and go to school. A. Yes sir.

MR. NEAL:

- Q. You say your father kept boarders? A. Yes sir.
- Q. How did it happen that you didn't board at home? A. My uncle had a boy, and had nobody to go to school with him, so I was sent over to go to school with this way.
- Q. How near did your father live to the school? A. About four miles, but he built a house about three quarters of a mile from the schoolhouse where he kept the teacher and boarders.

WITNESS EXCUSED.

(Mr. Neal -- I would like that the case be held open until I can introduce one other witness, the Martha Williams who was actually sold to Dillingham, and if I can get her, I will bring Susie Walkingstick.

By consent and agreement, this case is continued to May 11, 1905, at 1:30 o'clock, P. M.

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Eula Jeanes Branson, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause on the 27th day of April, 1905, and that the above and foregoing is a full and complete transcript of her stenographic notes taken in said cause on said date.

(Signed) Eula Jeanes Branson.

Subscribed and sworn to before me this the 29th day of April, 1905.

(Signed) Myron White  
Notary Public

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Rebelle, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy, and that the same is a true and complete copy of the original transcript.

Subscribed and sworn to before me this 10th day of May, 1905.

*H. S. Hooker*

Notary Public.



**FILED**  
MAY 18 1905  
COMMISSION TO FIVE TRIBES.

Cherokee Freedmen-R-418 to  
481, inclusive.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskegee, Indian Territory, May 11, 1906.

In the matter of the application for the enrollment of  
Martha Albert et al. as Cherokee Freedmen.

Neal & London, attorneys for applicants.

Bell, Hastings & Davenport, attorneys for the Cherokee Nation.

COMMISSION.

On this, the 11th. day of May, this cause coming on to be  
heard, the applicants appear neither in person nor by attorney.  
The Cherokee Nation, represented by W. W. Hastings, introduces the  
following testimony:

Aaron Whitmire, being duly sworn, testified as follows on  
behalf of the Cherokee Nation:

MR. HASTINGS:

- Q. Your name is Aaron Whitmire? A. Yes sir.  
Q. You are a freedman citizen of the Cherokee Nation? A. Yes  
sir.  
Q. How old are you? A. About 69.  
Q. To whom did you belong when the war came up? A. George  
Whitmire.  
Q. What relation was George to Johnson Whitmire? A. They were  
brothers.  
Q. How far apart did they live? A. About four miles when the  
war came up.  
Q. In what District? A. Going Snake.  
Q. Did they use to live together? A. Yes sir, till they  
married.  
Q. Were you familiar with Johnson Whitmire's slaves? A. Yes sir.  
Q. Did you ever know a slave that he had there by the name of Nancy  
who had Charley Dowland, a free colored man, for her husband?  
A. Yes sir.  
Q. What became of Nancy? A. She was sold to a man by the name  
of Dillingham.  
Q. What was Dillingham's citizenship? A. A citizen of the  
United States.



- Q. Where did he live? A. Right on the line of -- or close to the line of Arkansas.
- Q. Did this Nancy have any children when she was sold? A. I think she had one, is all I can recollect.
- Q. What was that child's name? A. Martha.
- Q. Now, I refer to the Nancy who had a husband by the name of Charley Bowland, a free colored man? A. Yes sir, and so do I.
- Q. About how long before the war was it that she was sold to Dillingham? A. As near as I can recollect, it must have been 8 or 10 years or more.
- Q. Did Dillingham continue to live over there in Arkansas till the war came up? A. No sir.
- Q. What became of him? A. He went to Texas before the war come up.
- Q. Aaron, it has been alleged here that Johnson Whitmire had another Martha whose mother was Dicy, and that Dicy and that Martha were sold instead of this Martha and Nancy. Did he have another woman by the name of Dicy? A. Yes sir.
- Q. Did he have her when the war came up? A. No sir, she was dead.
- Q. Did he sell her to Dillingham? A. No sir.
- Q. When did she die? A. Before the war, and before Nancy was sold.
- Q. Did Dicy have any children? A. One.
- Q. What was its name? A. Cinthy.
- Q. What became of Cinthy? A. She was sold to a man by the name of Russell, who lived in Arkansas.
- Q. About how long before the war was she sold? A. 6 or 8 years.
- Q. Did Johnson Whitmire have any other Dicy? A. No sir, never did.
- Q. Did you ever hear of his selling a Dicy to Dillingham? A. Nosir.
- Q. Did you ever hear of his selling a little girl by the name of Martha, besides this one? A. No sir, this was the only Martha on the place.
- Q. Did he have a Martha when the war came up? A. No sir.
- Q. Did you ever see the applicant who gives her name as Martha Albert, who is the wife of Collie Albert? A. I haven't seen her since she was sold.
- Q. Did Charley Bowland go to Texas? A. Yes sir.
- Q. Was he in the Going Snake country when the war came up? A. No sir, I never did see him after he went to Texas.
- Q. What became of Johnson Whitmire's slaves? Did any of them go to Texas? A. No sir.
- Q. What became of his women slaves? A. They went north.
- Q. Who took them north? A. They went off with the soldiers.
- Q. How long did you remain up there at the old Whitmire place? A. Till '64.
- Q. Then you went to Kansas? A. Yes sir.
- Q. Had all of Johnson Whitmire's slaves gone off north with the soldiers? A. All but two, and they were with me. They were two very old women -- Amy and Myra.
- Q. Had Cornelius Wright gone south? A. Yes sir.
- Q. He took his slaves with him? A. Yes sir.
- Q. Did Johnson Whitmire have any other Nancy or Nannie other than the one he sold to Dillingham? A. Yes sir, he had a little girl called Nannie.
- Q. Who was her mother? A. Boakey.
- Q. What was Boakey's name? A. Smith.
- Q. What was her husband's name? A. Moss Smith. He is dead.
- Q. Where does she live? A. Up here on Big Creek in Coowasee District.

- Q. How many slaves did Johnson Whitmire have at the beginning of the war? A. He had some 20 or 25.
- Q. Can you give their names? A. I could name the old ones.
- Q. Give me the names? A. The first old woman was Amy, Myra, Hannah, Sookay, Kizzy, Mike, Dick, Martin, Mose, Saphronie, Rachel, Charlotte, Liza, Aby, Frank, Nannie. That is about all I can recollect.
- Q. These are all the older ones? A. Yes sir.
- Q. The younger ones you do not remember? A. I cannot recollect them.
- Q. How many of these slaves do you know of that are living now, of these 15 or 16 you have just named? A. I don't know of but two that are living.
- Q. Where are they? A. Up on Big Creek.
- Q. What are their names? A. Nannie Smith and Frank Whitmire.
- Q. Where does Frank live? A. On Big Creek.
- Q. How old a man is he? A. I don't know just how old a man he is -- right at 60 I guess.
- Q. Do you know Martha Williams? A. No sir.
- Q. Are you positive now that at the breaking out of the war, Johnson Whitmire did not have a slave by the name of Martha? A. Yes sir.
- Q. Do you know whether he had a child slave by that name? A. No sir, there was not one by the name of Martha.
- Q. You know that of your own knowledge? A. Yes sir.
- Q. You mentioned in your testimony about a Nancy who had a daughter called Martha, and that they were sold to Dillingham. Have you ever seen them since that time? A. I never have.
- Q. Do you know who this applicant is -- have you seen her? A. I don't know that I would know Martha if I saw her.
- Q. How far do you live from Fort Smith? A. I live away up near the Kansas line.
- Q. Did you say you knew Charley Bowland? A. Well.
- Q. Was he a free colored person? A. Yes sir.
- Q. And you know that he married one of Johnson Whitmire's slaves named Nancy? A. Yes sir.
- Q. You cannot be mistaken about that? A. No sir.

WITNESS EXCUSED.

COMMISSION:

After the introduction of the above testimony by the Cherokee Nation, the attorneys for the applicants appeared, by their stenographer, Miss Sorenson, and filed with the Commission a motion for continuance.

MR. HASTINGS:

The attorneys for the Cherokee Nation object to the motion for continuance, filed in this case, for a number of reasons, to-wit:

FIRST: -- This case has been continued a number of times upon motion and at the request of the applicants;

SECOND: -- The motion for continuance is not sworn to;

THIRD: -- The motion for continuance does not set up what is expected to be proven by the said Martha Williams, but only states that she is an important witness, and does not state what is expected

to be proven by her, so that the Commission can pass upon the materiality and admissibility of the testimony.

FOURTH: -- Because the certificate of the attending physician is not sworn to.

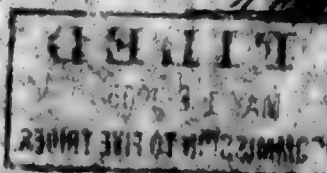
COMMISSION:

The motion for continuance will be taken under advisement, and the attorneys will be notified by mail.

Eula Jeanes Branson, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause on the 11th. day of May, 1905, and that the above and foregoing is a full and complete transcript of her stenographic notes taken in said cause on said date.

*Eula Jeanes Branson*

Subscribed and sworn to before me this the 17th. day of May, 1905.



Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.,

In the matter of the application of Martha Albert, et al.,  
for enrollment as Cherokee Freedmen, consolidating the applications  
of

|                         |                         |
|-------------------------|-------------------------|
| Martha Albert, et al.,  | Cherokee Freedmen D- 42 |
| Robert Barnes,          | Cherokee Freedmen D- 99 |
| Lula Knalls, et al.,    | Cherokee Freedmen D-100 |
| Nancy Borkum, et al.,   | Cherokee Freedmen D-101 |
| Henry Albert, et al.,   | Cherokee Freedmen D-102 |
| John Barnes, et al.,    | Cherokee Freedmen D-103 |
| Jerry Albert,           | Cherokee Freedmen D-104 |
| Lillie White, et al.,   | Cherokee Freedmen D-105 |
| Malinda McLain, et al., | Cherokee Freedmen D-114 |
| Frank Gardner,          | Cherokee Freedmen D-146 |
| Joshua Barnes,          | Cherokee Freedmen D-150 |
| Sarah Brown, et al.,    | Cherokee Freedmen D-151 |
| Minnie Barnes,          | Cherokee Freedmen D-152 |
| Maggie Bell, et al.,    | Cherokee Freedmen D-153 |

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission, by Martha Albert, for herself and minor children, Elijah and Ida Albert; by Robert Barnes for himself; by Lula Knalls, for herself and minor children, Sarah French and Fred E. Knalls; by Nancy Borkum, for herself and minor children, Annie and Walter Borkum; by Henry Albert, for himself and minor children, Harry and Raymond Albert; that subsequent to the date of the original application a birth affidavit, which is made a part of the record herein, was filed with the Commission, showing the birth of Lewey Albert; by John Barnes, for himself and minor child, Gussie A. Barnes; that subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission, showing the birth of John A. Barnes; by Jerry Albert, for himself; by Lillie White, for herself and minor children, Mattie and Nancy White; that subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission, showing the birth of Amos White; by Charles McLain, for his wife, Malinda McLain, and minor children, Samuel, Ella, Christiana, Charles, Turner, and Jennetta McLain; by Frank Gardner, for himself; by Joshua Barnes, for himself; by Sarah Brown, for herself and minor child, Maggie Williams; by Minnie Barnes, for herself; by George C. Bell, for his wife, Maggie Bell; that subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission, showing the birth of George L. Bell.



The evidence shows that the applicant, Martha Albert, and her sister, Jennie Barnes, now deceased, were not slaves of Cherokee citizens or free colored persons residing in the Cherokee Nation at the commencement of the war of the rebellion. All the other applicants herein have been born since the commencement of the rebellion and are descendants of and claim right to enrollment through either the said Martha Albert or Jennie Barnes.

None of the names of said applicants herein are found on the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Martha Albert, Elijah Albert, Ida Albert, Robert Barnes, Lula Knalls, Sarah French, Fred E. Knalls, Nancy Borkum, Annie Borkum, Walter Borkum, Henry Albert, Harry Albert, Raymond Albert, Lewey Albert, John Barnes, Gussie A. Barnes, John A. Barnes, Jerry Albert, Lillie White, Mattie White, Nancy White, Amos White, Malinda McLain, Samuel McLain, Ella McLain, Christiana McLain, Charles McLain, Turner McLain, Jennetta McLain, Frank Gardner, Joshua Barnes, Sarah Brown, Maggie Williams, Minnie Barnes, Maggie Bell and George L. Bell, as Cherokee Freedmen, should be denied under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

*T. B. Needles.*

*W. E. Stanley.*

Muskogee, Indian Territory,

this

~~JUL 11 1904~~  
JAN 11 1904



A. P. No.  
D. C. L.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of  
Martha Albert et al., as Cherokee freedmen, consolidating the  
applications of;

|                       |                   |         |       |
|-----------------------|-------------------|---------|-------|
| Martha Albert et al.  | Cherokee Freedmen | (D 42)  | R 418 |
| Robert Barnes         | "                 | (D 99)  | R 419 |
| Lula Knalls et al.,   | "                 | (D 100) | R 420 |
| Nancy Barkum et al.   | "                 | (D 101) | R 425 |
| Henry Albert et al.   | "                 | (D 102) | R 421 |
| John Barnes et al.,   | "                 | (D 103) | R 422 |
| Jerry Albert          | "                 | (D 104) | R 423 |
| Lillie White et al.,  | "                 | (D 105) | R 424 |
| Malinda McLain et al. | "                 | (D 106) | R 426 |
| Frank Gardner         | "                 | (D 114) | R 430 |
| Joshua Barnes         | "                 | (D 146) | R 427 |
| Sarah Brown et al.    | "                 | (D 150) | R 428 |
| Minnie Barnes         | "                 | (D 151) | R 429 |
| Maggie Nell et al.,   | "                 | (D 152) | R 431 |

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That applications for  
enrollment as Cherokee Freedmen were made to the Commission to the  
Five Civilized Tribes by Martha Albert for herself and minor chil-  
dren, Elijah and Ida Albert; by Robert Barnes for himself; by  
Lula Knalls for herself and minor children, Sarah French and  
Fred E. Knalls; by Nancy Barkum for herself and minor children,  
Annie and Walter Barkum; by Henry Albert for himself and minor

children, Harry and Raymond Albert, thereafter, on October 31, 1902, there was filed with the Commission an affidavit showing the birth, on June 4, 1902, of Lewey Albert, son of the applicant, Henry Albert; by John Barnes for himself and minor child, Gussie A. Barnes, thereafter, on August 20, 1902, there was filed with the Commission an affidavit showing the birth, on June 15, 1902, of John A. Barnes, son of the applicant, John Barnes; by Jerry Albert for himself; by Lillie White for herself and minor children, Mattie and Nancy White, thereafter, on July 1, 1902, there was filed with the Commission an affidavit showing the birth, on March 2, 1902, of Amos White, son of the applicant, Lillie White; by Charles McLain for his wife, Malinda McLain, and minor children, Samuel, Kila, Christiana, Charles, Turner and Jennetta McLain, thereafter, on September 1, 1901, there was filed with the Commission an affidavit showing the birth, on May 17, 1901, of Mattie McLain, daughter of the applicant, Malinda McLain; by Frank Gardner for himself; by Joshua Barnes for himself; by Sarah Brown for herself and minor child, Maggie Williams; by Minnie Barnes for herself; and by George C. Bell for his wife, Maggie Bell, thereafter, on November 7, 1901, there was filed with the Commission an affidavit showing the birth, on September 18, 1901, of George I. Bell, son of the applicant, Maggie Bell.

THE RECORDS FURTHER SHOW: That on January 11, 1904, the Commission rendered its decision herein, denying said applicants, except Mattie McLain, whose rights to enrollment, through an oversight, were not considered, the right to enrollment as Cherokee freedmen, and that on June 21, 1904 (Departmental letter I.T.D. 4732-04), said decision was duly affirmed by the Department; that, thereafter, on March 25, 1905 (Departmental letter I.T.D. 1332-05), on motion of the applicants, this case was reopened by the Department, and remanded for further testimony and readjudication; and that, thereafter, on April 13, and 27, and May 11, and June 22, 1905, further proceedings in the matter of said applications were had at Muskogee, Indian Territory.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant, Martha Albert, claims the right to enrollment as a Cherokee freedman by virtue of her compliance with the treaty stipulations of 1866, and that all the other applicants herein claim the same right as descendants of the said Martha Albert and one Jennie Barnes, deceased, who, it is alleged, complied with said treaty stipulations of 1866.

The following points are fully established by the evidence, no attempt having been made to disprove them:

(1) That the applicant, Martha Albert, and the said Jennie Barnes, deceased, were full sisters, and were born prior to the commencement of the rebellion,

(2) That all the other applicants herein were born since the commencement of the rebellion, are lineal descendants of the applicant, Martha Albert, and the said Jennie Barnes, deceased, and possess no rights to enrollment as Cherokee freedmen other than as such descendants.

(The records of this office fail to show that Ruth Barnes, mother of the applicants, Gussie A. and John A. Barnes, has ever made application for enrollment as a Cherokee freedman. Her mother, Millie White, and full sister, Viola White, and full brothers, Jim H. and Harry White, were originally listed for enrollment as Cherokee freedmen on Memorandum cards Nos. 10, 13, and 14, and were later transferred to Freedmen Rejected cards, Nos. 317, 320 and 321. On April 24, 1904, their applications for enrollment as Cherokee freedmen were denied by the Commission, and record forwarded to the Department.

George G. Bell, father of the minor applicant, George L. Bell, was denied enrollment as a Cherokee freedman, by the Commission, on April 20, 1904, and on May 26, 1904, -Departmental letter I.T.D. 4083-04, - the Commission's decision was approved by the Department).

THE EVIDENCE IN THIS CASE FURTHER SHOWS: That the applicant, Martha Albert, and the said Jennie Barnes, deceased, were neither the slaves of a Cherokee citizen, nor free colored persons residing in the Cherokee country at the commencement of the rebellion, but, rather, that several years prior to the commencement of said rebellion, they, together with their mother "Nancy", were sold to one Dillingham, a citizen of the United States, were removed from the Cherokee Nation, and it is further shown that they did not return to said Nation on or prior to February 11, 1867. Excepting the Wallace and Kern-Clifton Halls, none of the applicants herein can be identified on any roll of the Cherokee Nation in the possession of this office.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, under the provisions of Section Twenty-one of the Act of Congress approved June 26, 1898 ( 30 Stat., 495), Martha Albert, Elijah Albert, Ida Albert, Robert Barnes, Lula Knalls, Sarah French, Fred E. Knalls, Nancy Borkum, Annie Borkum, Walter Borkum, Henry Albert, Harry Albert, Raymond Albert, Leway Albert, John Barnes, Gussie A.

-4-

Barnes, John A. Barnes, Jerry Albert, Lillie White, Mattie White, Nancy White, Amos White, Malinda McLain, Samuel McLain, Ella McLain, Christiana McLain, Charles McLain, Turner McLain, Jennetta McLain, Mattie McLain, Frank Gardner, Joshua Barnes, Sarah Brown, Maggie Williams, Winnie Barnes, Maggie Bell and George L. Bell, are not entitled to enrollment as Cherokee freedmen, and their applications for enrollment as such are accordingly denied.

---

Commissioner

Dated at Muskogee, Indian Territory,

this \_\_\_\_\_

F. D. 146

D

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

May 15 1901



ACTING CHAIRMAN.



# NOTICE!

In the matter of the application of Frank Gardner for enrollment as a Cherokee Freedman.

Case No. D 146

To Frank Gardner

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Winita ~~in~~ Indian Territory, on the following dates, to-wit: May 21st & 22nd

A. D. 1901, during the usual business hours of said commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands on this 13th day of May 1901.

Bell, Hastings & Dancy  
Attorneys for the Cherokee Nation.

United States of America, }  
Indian Territory, } s. s.  
Northern District.

I do solemnly swear that I delivered a true copy of the within notice to \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_ A. D. 1901.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 1901. \_\_\_\_\_  
Notary Public.

Indian Territory  
Cherokee nation.

I, A. S. McRea, Attorney for the within named applicant  
hereby accept service of the within notice to take testimony this May  
13th 1901.

*A. S. McRea*

Atty for the within named Applicant.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

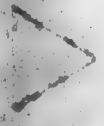
MAY 15 1901

ACTING CHIEFMAN

941 146

FD 146

RECEIVED  
19 19 19



# **NOTICE.**

## **Cherokee - Freedmen - Enrollment.**

The Commission to the Five Civilized Tribes will continue in session at

### **MUSKOGEE, IND. TER.,**

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Frank Gardner,  
Melvin, I.T.  
Cherokee F-D-146  
Register.

TAMS BIXBY,  
T. B. NEEDLES,  
C. R. BRECKINRIDGE,  
Commissioners.

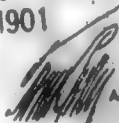
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J. S. 146

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

APR 22 1901



ACTING CHAIRMAN

CHEROKEE FREEDMEN



## MEMORANDUM OF APPLICATION.

## CHEROKEE FREEDMEN.

Date APR 22 1901Post Office MelvinDistrict Tahle1. Name Frank Gardner Age 22

Owner's name

Citizenship

Year 1880

Page

No.

District

Parents:

Father Lewis GardnerCitizenship Col DMother Lela KnollsCitizenship Col

2. Name of wife

Age

Owner's name

Citizenship

Year

Page

No.

District

Parents:

Father

Citizenship

Mother

Citizenship

Names of Children:

|     |      |      |     |       |
|-----|------|------|-----|-------|
| 3.  | Year | Page | No. | Dist. |
| 4.  | Year | Page | No. | Dist. |
| 5.  | Year | Page | No. | Dist. |
| 6.  | Year | Page | No. | Dist. |
| 7.  | Year | Page | No. | Dist. |
| 8.  | Year | Page | No. | Dist. |
| 9.  | Year | Page | No. | Dist. |
| 10. | Year | Page | No. | Dist. |
| 11. | Year | Page | No. | Dist. |
| 12. | Year | Page | No. | Dist. |

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51-106-2, 43245.

COMMISSIONERS:

HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Vinita, Indian Territory, May 15th, 1901.

Received of the Commission to the Five Civilized Tribes one copy of the original testimony in the matter of the application of Frank Gardner for enrollment as a Freedman of the Cherokee Nation, and one copy of the testimony in the matter of the application of Lula Knalls; said testimony having been made a part of the record in the case of Frank Gardner.

A S M Rea

Attorney for Applicant.

Cherokee F. #D146.

mdy

COMMISSIONERS:  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRACKENRIDGE,  
W. E. STANLEY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

|                                 |
|---------------------------------|
| REFER IN REPLY TO THE FOLLOWING |
| Cherokee F.D-246                |

ALLISON L. AYLESWORTH,  
SECRETARY.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 11, 1904.

Frank Gardner,

Melvin, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 11, 1904, rejecting, among others, your application for the enrollment of yourself as a Cherokee Freedman. There has heretofore been furnished your attorney, A. B. McRea, Muskogee, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,



Commissioner in Charge.

Enc. D-41

Register.

COPY

Cherokee Freedmen  
D-42, et al.

Muskogee, Indian Territory, January 11, 1904.

A. S. McRea,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 11, 1904, in the consolidated case of Martha Albert et al., rejecting the applications for the enrollment of Martha Albert, Elijah Albert, Ida Albert, Robert Barnes, Lula Knalls, Sarah French, Fred E. Knalls, Nancy Borkum, Annie Borkum, Walter Borkum, Henry Albert, Harry Albert, Raymond Albert, Lowey Albert, John Barnes, Gussie A. Barnes, John A. Barnes, Jerry Albert, Lillie White, Mattie White, Nancy White, Amos White, Malinda McLain, Samuel McLain, Elia McLain, Christiana McLain, Charles McLain, Turner McLain, Jennetta McLain, Frank Gardner, Joshua Barnes, Sarah Brown, Maggie Williams, Minnie Barnes, Maggie Bell and George L. Hall as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior



-2/  
for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

J. Needles.

Enc. D-39

Commissioner in Charge.

Register.

GOPT

Cherokee Freedmen  
D-42, et al.

McAlester, Indian Territory, January 11, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 11, 1904, in the consolidated case of Martha Albert et al., rejecting the applications for the enrollment of Martha Albert, Elijah Albert, Ida Albert, Robert Barnes, Lula Knull, Sarah French, Fred S. Knull, Nancy Berkun, Annie Berkun, Walter Berkun, Henry Albert, Harry Albert, Raymond Albert, Lewis Albert, John Barnes, Gussie A. Barnes, John A. Barnes, Jerry Albert, Lillie White, Mattie White, Nancy White, Amos White, Malinda McLain, Samuel McLain, Nile McLain, Christiana McLain, Charles McLain, Turner McLain, Jennetta McLain, Frank Gardner, Joshua Barnes, Sarah Brown, Maggie Williams, Minnie Barnes, Maggie Bell and George L. Bell, as Cherokee freedmen.

The decision, with the records of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be

-2-

made known to you as soon as the Commission is informed of the same.

Respectfully,

*I. B. Needles.*

Commissioner in Charge.

Enc. D-31.

COPY

Cherokee Freedmen  
D-42, et al.

Washoe, Indian Territory, January 11, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Martha Albert et al., including the Commission's decision, dated January 11, 1904, rejecting the applications for the enrollment of Martha Albert, Elijah Albert, Ida Albert, Robert Barnes, Lula Knalls, Sarah French, Fred E. Knalls, Henry Dorken, Annie Dorken, Walter Dorken, Henry Albert, Harry Albert, Raymond Albert, Levey Albert, John Barnes, Oussie A. Barnes, John A. Barnes, Jerry Albert, Lillie White, Mattie White, Nancy White, Anne White, Malinda McLain, Samuel McLain, Ella McLain, Christiane McLain, Charles McLain, Turner McLain, Sonnetta McLain, Frank Gardner, Joshua Barnes, Sarah Brown, Maggie Williams, Minnie Barnes, Maggie Bell and George L. Bell, as Cherokee freedmen.

Respectfully,

T. B. Nease

Commissioner in Charge.

Through the  
Commissioner of Indian Affairs.

Enc. D-39.

Refer in reply to the following:

COPY

Lead 1100-1904.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, June 9, 1904.

In re

Application for enrollment

as Cherokee Freedmen, viz:

|                        |          |
|------------------------|----------|
| Martin Albert, et al.  | F.D. 48  |
| Robert Barnes,         | F.D. 80  |
| Lula Knalla, et al.    | F.D. 100 |
| Nancy Burton, et al.   | F.D. 101 |
| Henry Burton, et al.   | F.D. 102 |
| John Barnes et al.     | F.D. 103 |
| Jerry Albert           | F.D. 104 |
| Lillie White, et al.   | F.D. 105 |
| Malinda McCain, et al. | F.D. 114 |
| Frank Gardner          | F.D. 140 |
| Joshua Barnes,         | F.D. 150 |
| Sarah Brown et al.,    | F.D. 151 |
| Hinnie Barnes,         | F.D. 152 |
| Haggie Bell, et al.    | F.D. 153 |

Consolidated.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to transmit herewith the record of proceedings had before the Commission to the Five Civilized Tribes in the above consolidated cases of Martin Albert et al., affecting the rights of thirty six applicants for enrollment as Cherokee freedmen. The Commission by its decision, dated January 11, 1904, denied the application of all the applicants in the above named cases, to be enrolled as Cherokee freedmen.



The record shows that applications for enrollment as Cherokee freedmen were made to said Commission by Martha Albert for herself and minor children Elijah Albert and Ida Albert; by Robert Barnes for himself; by Lula Knalls for herself and minor children, Sarah French and Fred L. Knalls; by Nancy Berkum for herself and minor children, Annie Berkum and Walter Berkum; by Henry Albert for himself and minor children, Harry Albert and Raymond Albert; that subsequent to the date of the original application a birth affidavit, which is made a part of the record, was filed with the Commission, showing the birth of Lacey Albert; by John Barnes for himself and minor child, Ussie A. Barnes, that subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission, showing the birth of John A. Barnes; by Jerry Albert for himself; by Lillie White for herself and minor children, Mattie White and Henry White; that subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission, showing the birth of Anna White; by Charles McLain for his wife, Malinda McLain and his minor children, Samuel, Ella, Christian, Charles, Turner and Jeannette McLain; by Frank Gardner for himself; by Joshua Barnes for himself; by Sarah Brown for herself and minor child, Maggie Williams; by Minnie Barnes for herself; by George C. Bell for his wife Maggie Bell, that subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission, showing the birth of George I. Bell.

Claimants have their contention for a right to be

sworn as Cherokee freedmen upon the claim made that the principal applicant Martha Albert and her sister, Jennie Barnes, now deceased, from whom the other applicants claim descent, were at the commencement of the War of the Rebellion the slaves of one Johnson Whitnair, a Cherokee citizen, that during the war these alleged slaves, Martha Albert and Jennie Barnes went South to Red river in the Choctaw Nation where they remained until the fall of 1864 when they claim to have returned with one Ellis Harlin to the Cherokee Nation and settled with him on the Gale Starr place near Cherokee Junction. The evidence adduced shows that Johnson Whitnair and George Whitnair, brothers and Cherokee citizens, owned before the war several slaves, designated as the "Whitnair darkies." The attempt to identify Martha Albert and Jennie Barnes as one of the "Whitnair darkies" at the commencement of the war has signally failed.

Watt Whitnair, son of Johnson Whitnair, who claims to have known the names of all the slaves of his father, testified that he had no recollection of any two female girl slaves named Martha and Jennie and cannot even recall the fact that his father ever owned a slave named Nancy Whitnair, the mother of said girls. Harry Still whose master was George Whitnair, brother to Johnson Whitnair who only lived four miles distant and knew all the colored people raised by Johnson Whitnair, testified positively that Johnson Whitnair did not own a slave named Nancy Whitnair nor a slave named Martha Whitnair. J. V. Albert who lived in the Going Snake district, Choctaw Nation

before the war and who well knew Johnson Whitacre from when he lived a distance of ten or twelve miles, testified, that the Whitacre boys, George Whitacre and Johnson Whitacre, at the time they divided up their property in 1847 sold a slave named Nancy Whitacre with her whole family to a man named Dillingham who moved them with his family right across the line into Arkansas at a town called Dutch Town or Salem where he remained until he moved to Texas in 1850-51; that he knew the darkies "better after Dillingham got them than I did before" and that Dillingham only lived five miles from where witnesses then lived. It is evident that the principal applicant Martha Albert and her sister Jennie Barnes were living in Arkansas instead of the Choctaw Nation at the close of the war as Jennie Barnes' husband testified that he married her in November, 1863, at Fort Smith, Arkansas, where it appears Jennie Barnes was hired out and where her husband worked much of his time after marriage. Martha Albert claims to have married her husband in the Choctaw Nation during the war while her husband denies having married her until after his return to the Choctaw Nation. The death of Nancy Whitacre, the mother of the principal applicant Martha Albert, is shown to have occurred in 1846 but the place of her burial is not definitely shown. The belief that the principal applicant, Martha Albert was living in Arkansas and not in the Choctaw Nation as alleged by her, is further strengthened by the testimony of Mrs. Ruth Hunt nee Ruth Harlin and Mrs. Susan Finley nee Susan Harlin, daughters of Ellis Harlin

-4-

with whom it is claimed Nancy Whitacre and her two daughters, Martha and Jennie returned from the Cherokee Nation to the Cherokee Nation in November 1864. Mrs. Hunt and Mrs. Finley testify positively to the fact that their father Ellis Harlin did not return to the Cherokee Nation until February or March 1867, and that no colored people returned in his company, that the first time they ever saw Martha Albert was in the "summer of 1867" when their father "went over in Arkansas somewhere towards Van Buren and hired the man to come and work", that the man's name was Albert and his wife's name was Martha, that neither the man nor his wife ever claimed to have once been the slaves of Johnson Whitacre when witnesses knew before the war, nor did either claim to be a Cherokee freedmen that they ever heard of, until the rail was taken at Vinita in 1896 and applicants are identified as former hired help. John Melton testified that Martha Albert's husband told him, "he found her at the Harlin place." If that be true and Martha Albert admits that on her return she first settled on the Dale Starr place on which Ellis Harlin lived it is evident that she did not return to the Cherokee Nation until the "summer of 1867." In view of all the facts and circumstances of this case, this office is of the opinion that the principal applicant Martha Albert and her sister Jennie Barnes now deceased, of whom the other applicants claim to be descendants, were not the slaves of Cherokee citizens at the commencement of the War of the Rebellion nor were they free colored persons in the Cherokee Nation at the commencement of the rebellion and even had

they been, which is denied, it is shown that they went out of the Cherokee Nation and did not return thereto prior to February 11, 1867, in contravention of the treaty of July 19, 1866, which provides:

"All freedmen who have been liberated by voluntary act of their former owners or by law, as well as all free colored persons who were in the country at the commencement of the rebellion and are now residents therein, or who may return within six months, and their descendants, shall have all the rights of Native Cherokees."

As the burden of proof lies upon claimants to establish their rights to recognition as Cherokee freedmen under the provisions of the treaty of July 19, 1866, and as they have failed to bring themselves within its purview, it follows that all of the foregoing applications as Cherokee freedmen must be denied.

We come now to the discussion of another point involved. It appears of record that the names of Martha Albert and her minor children Elijah and Ida are found upon the Karna-clifton roll while the names of several of the descendants are found upon the Wallace roll. None of the applicants names are to be found upon the authenticated roll of 1880 nor upon the census roll of 1896.

Attorney for applicants contends that as the name of Martha Albert and her minor children, Elijah and Ida appear upon the Karna-clifton roll, that such fact is conclusive of their rights as Cherokee freedmen and pleads res adjudicata to any action by the Commission. Such contention can not be sustained. Congress by Act of June 26, 1906, sec. 21, directed the commission



in the five Civilized Tribes as follows:

"It shall make a roll of Cherokee Freedmen in strict compliance with the decree of the Court of Claims rendered the third day of February eighteen hundred and ninety-six."

The Court in its decree of February 3, 1896 (See P. 4), instructed said commission as follows:

"The said Commission in ascertaining the identity of the Freedmen entitled to share under the decree, shall accept what is known as the authenticated Cherokee roll, the same now being on file in the office of the Secretary of the Interior, having been furnished to him and purporting to have been taken by the Cherokee Nation in 1880 for the purpose of showing the number of freedmen then entitled to citizenship in the said nation under the terms of the treaty between the United States and the Cherokee Nation heretofore referred to, and their descendants, and no evidence shall be accepted by said commission tending to disprove the citizenship of any of the persons whose names appear upon said roll", and supplementary thereto, Sec. 21, of the Act of June 26, 1906, states expressly the proposition that the roll of Cherokee citizens of 1880 (and including Freedmen) is "the only roll intended to be submitted by him, and precluding acts of Congress", thus in effect declaring that the plea of fraud admissionis can not prevail unless the name of the applicant appears upon the authenticated roll of 1880 - which is not here claimed. Neither the fact of applicant's name appearing upon the Kame-shitah roll nor the fact of the names of her descendants

appearing upon the Wallace roll, constituted any bar to further action by the Commission, as the Commission was expressly empowered by sec. 21 of the Act of June 25, 1900, to "investigate the right of all other persons whose names are found on any other rolls and emit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto." Thus the Commission was left free to act, as upon a new inquiry, to determine what freedmen, omitted from the roll of 1860 and whose names are found on any other rolls are entitled to the benefit of Article IX of the treaty of 1861. For the foregoing reasons, I concur in the opinion of the Commission that the applications for enrollment of Martha Albert, Elijah Albert, Ida Albert, Robert Barnes, Lula Knalls, Sarah French, Fred H. Knalls, Nancy Borkum, Annie Borkum, Walter Borkum, Henry Albert, Harry Albert, Raymond Albert, Levey Albert, John Barnes, Cassie A. Barnes, John A. Barnes, Jerry Albert, Lillie White, Mattie White, Nancy White, Anna White, Malinda McLean, Samuel McLean, Ella McLean, Christian McLean, Charles McLean, Turner McLean, Jennetta McLean, Frank Gardner, Jackson Barnes, Maggie Bell and George L. Bell, as Cherokee freedmen, should be denied under the provisions of sec. 21 of the Act of Congress approved June 25, 1900 (36 Stat., 495), and it is recommended that the decision of the Commission therein, dated January 11, 1904, be affirmed.

Very respectfully,

A. C. Tanner,

Acting Commissioner.

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D.C. 12473-1904

I.T.D. 4732-1904.

I R S

V.C.J.

I.P.

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DEPARTMENT OF THE INTERIOR,

WASHINGTON, June 21, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

January 11, 1904, you transmitted the record in the consolidated case embracing the applications of Martha Albert et al (V.D.-42), for enrollment as Cherokee freedmen, including your decision of the same date, rejecting the applications.

Reporting June 9, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department affirms your decision, for the reasons stated therein.

Respectfully,

(Signed) E. A. Hitchcock,  
Secretary.

1 inclosure.

Cherokee Freedmen

D-146.

Muskogee, Indian Territory, June 28, 1904.

Frank Gardner,

Malvin, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated January 11, 1904, rejecting, among others, your application for the enrollment of yourself as a Cherokee freedman, was affirmed by the Secretary of the Interior on June 21, 1904.

Respectfully,

Commissioner in Charge.



Executive Proclamation

2-42 of M.

Mustang, Indian Territory, June 22, 1904.

A. B. McKee,

Attorney for Martha Albert, et al.,

Mustang, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated January 11, 1904, rejecting the applications for enrollment of Martha, Elijah, Ida, Albert, Robert Barnes, Lela Kalle, Sarah Freda, Fred E. Kalle, Henry, Harry, Raymond, Levey, Albert, John, Gussie A, John A., Barnes, Jerry Albert, Willie, Mattie, Nancy, Anna, White, Nellie, Samuel, Ella, Charles, Turner, Jennette, Christiana, Kellie, Frank Gariner, Joshua Barnes, Sarah Brown, Maggie Williams, Minnie Barnes, Maggie, George L., Nell, Nancy, Annie, Walter, Bertram, was affirmed by the Secretary of the Interior on June 21, 1904.

Respectfully,

Commissioner in Charge.



Cherokee Freedmen

P-48 et al.

Wahlepee, Indian Territory, June 22, 1904.

W. W. Hastings,  
Attorney for the Cherokee Nation,  
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated January 11, 1904, rejecting the applications for the enrollment of Martha, Elijah and Ida Albert; Robert Barnes; Lula Knalls; Sarah French, and Fred E. Knalls; Nancy, Annie and Walter Hestum; Henry, Harry, Raymond and Lewey Albert; John, Cassie A., and John, Barnes; Jerry Albert; Lillie, Mattie, Mattie, Nancy, and Anna White; Malinda, Samuel, Ella, Charles, Turner, Jennetta, Christiansa, McLain; Frank Gardner; Joshua Barnes; Sarah Brown, Maggie Williams; Minnie Barnes; Maggie, George L., Hall; was affirmed by the Secretary of the Interior on June 21, 1904.

Respectfully,

Commissioner in Charge.

V. C. F.  
PHE.

DEPARTMENT OF THE INTERIOR,

D. S. 16478-1906.  
I. T. D. 1332-1906.

WASHINGTON, March 25, 1906.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

The Department has considered a motion filed by attorneys Neal and Lendon, of Fort Smith, Arkansas, dated December 10, 1904, to reopen the Cherokee enrollment case of Martha Albert, et al.

January 11, 1904, you decided that the applicants in said case were not entitled to enrollment, and on June 21, 1904, your decision was approved by the Department.

The attorneys desire the case reopened in order that newly discovered evidence may be introduced to show that previous to the breaking out of the war Johnson Whitmire owned two slaves by the name of Martha; that prior to the breaking out of the war one of said slaves was sold to a man named Dillingham who lived in Arkansas; that she married a man named Williams; that the other Martha, known as "Little Martha", who is one of the applicants in the case of Martha Albert, et al, married a man named Albert who lived in the Cherokee Nation. It is claimed by said attorneys that the evidence introduced by the Cherokee

Motion at the original hearing does not apply to the applicant herein.

It appears from the motion and the affidavits submitted that the case should be reopened. The motion is hereby granted. You will so notify the applicants and their attorneys, and the attorney for the Cherokee Nation, and allow a reasonable time for the introduction of additional testimony, after which you will readjudicate the case.

The motion, the record and other papers in the case are inclosed.

Respectfully,

(Signed) E. A. Hitchcock

Secretary.

6 inclosures.

COPY.

Cherokee Freedmen

R-430.

Muskogee, Indian Territory, April 8, 1905.

Frank Gardner,

Melvin, Indian Territory.

Dear Sir:

In the matter of the application for your enrollment as a Cherokee freedman, you are advised that the Commission is in receipt of departmental letter of March 25, 1905 (I.T.D. 1332-1905), remanding this case for rehearing and readjudication.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, April 20, 1905, and introduce such testimony as you may desire in the matter of your said application. You are further advised that the Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in this case.

For your information there is herewith inclosed a copy of departmental letter referred to.

Respectfully,

Incl. 3-57.  
Register.

(SIGNED) *T. B. Needles.*  
Commissioner in Charge.

COPY.

Cherokee Freedmen

N-418, et al.

Muskogee, Indian Territory, April 8, 1908.

Neal & London,

Attorneys for Martha Albert, et al.,

Fort Smith, Arkansas.

Gentlemen:

In the matter of the applications for the enrollment of Martha Albert, et al., as Cherokee freedmen, you are advised that the Commission is in receipt of departmental letter of March 25, 1908 (I.T.D. 1332-1908), remanding this case for rehearing and readjudication.

The applicants have, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, April 20, 1908, and introduce such testimony as they may desire in support of their said applications. You are advised that the Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in these cases.

For your information there is herewith inclosed a copy of departmental letter referred to.

Respectfully,

Incl. 3-43.  
Register.

SIGNED. *T. B. Needles.*  
Commissioner in Charge.



COPY.

Cherokee Freedmen

B-413, et al.

Washkago, Indian Territory, April 8, 1908.

Ball, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Washkago, Indian Territory,

Gentlemen:

In the matter of the applications for the enrollment of Martha Albert, et al., as Cherokee freedmen, you are advised that this Commission is in receipt of departmental letter of March 28, 1908 (I.T.D. 1335-1908), remanding this case for rehearing and readjudication.

The applicants have, therefore, this day been directed to appear before the Commission at its offices in Washkago, Indian Territory, at nine o'clock A. M. on Thursday, April 20, 1908, and introduce such testimony as they may desire in support of their said applications. You are advised that the Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in these cases.

For your information there is herewith inclosed a copy of departmental letter referred to.

Respectfully,

Incl. B-22

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

COMMISSIONER:  
TAMM SEELY,  
THOMAS H. HENKLE,  
C. E. BRIDGEMAN.

WM. C. BEALL,  
Secretary

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

D. B. H.

|   |
|---|
| REPORT IS MADE TO THE FOLLOWING:<br>Cherokee Freedmen |
| R-430.  |

Muskogee, Indian Territory, April 8, 1905.

Frank Gardner,

Melvin, Indian Territory.

Dear Sir:

In the matter of the application for your enrollment as a Cherokee freedman, you are advised that the Commission is in receipt of departmental letter of March 25, 1905 (I.T.D. 1332-1905), remanding this case for rehearing and readjudication.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, April 20, 1905, and introduce such testimony as you may desire in the matter of your said application. You are further advised that the Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in this case.

For your information there is herewith inclosed a copy of departmental letter referred to.

Respectfully,



Commissioner in Charge.

Incl. S-57.  
Register.

COPY.

Cherokee Freedmen R 418 et al.

Wetmore, Indian Territory, July 24, 1905

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the applications for the enrollment as Cherokee Freedmen of Martha Albert, Elijah Albert, Ida Albert, Robert Barnes, Lula Knalls, Sarah French, Fred K. Knalls, Henry Barton, Annie Barton, Walter Barton, Henry Albert, Harry Albert, Raymond Albert, Lewis Albert, John Barnes, Cassie A. Barnes, John A. Barnes, Jerry Albert, Lillie White, Mattie White, Nancy White, Jess White, Malinda McLain, Samuel McLain, Ella McLain, Christiana McLain, Charles McLain, Turner McLain, Jennette McLain, Mattie McLain, Frank Gardner, Joshua Barnes, Sarah Brown, Maggie Williams, Hattie Barnes, Maggie Bell and George L. Bell, including the decision of the Commissioner to the Five Civilized Tribes dated July 24, 1905, rejecting said applications.

On January 11, 1904, the Commission to the Five Civilized Tribes rendered its decision denying said applicants,

Secretary--2.

excepting Battle McLean, whose rights to enrollment were not at that time considered, and on June 21, 1904 (L.Y.D. 4732-1904), said decision was affirmed by the Department. On March 25, 1905 (L.Y.D. 1332-1905), this case was re-opened by the Department, and remanded for further hearing and readjustment.

Respectfully,

SIGNED:

Tame P. ...

Commissioner

Through the

Commissioner of Indian Affairs.

Incl. B-22

Cherokee Freedmen  
R 416 et al.

COPY

Wadagee, Indian Territory, July 24, 1905

Neal and London,

Attorneys for Martha Albert et al.,

Fort Smith, Arkansas.

Gentlemen:

There is inclosed here with the decision of the Commissioner to the Five Civilized Tribes, dated July 24, 1905, rejecting the applicants for enrollment as Cherokee Freedmen embraced in the consolidated cases of Martha Albert, et al., C.F.R., 418, Robert Barnes, C.F.R. 419, Lula Knulls et al., C.F.R. 420, Nancy Borkum, et al., C.F.R. 421, Henry Albert et al., C.F.R. 421, John Barnes et al., C.F.R. 422, Jerry Albert, C.F.R. 423, Lillie White et al., C.F.R. 424, Malinda McLean et al., C.F.R. 425, Frank Gardner, C.F.R. 430, Joshua Barnes, C.F.R. 427, Sarah Brown et al., C.F.R. 428, Minnie Barnes, C.F.R. 429, and Maggie Nell et al., C.F.R. 431. You have heretofore been furnished with a copy of the record of proceedings.



Reel and Section--2.

The decision, with the record of proceedings a part  
in this case, has this day been transmitted to the Secretary  
of the Interior for his review and decision. The action  
of the Secretary will be made known to you as soon as this  
office is informed of the same.

Respectfully,

Incl. B-16

Wm. T. Bixby.  
Commissioner

Cherokee Freedmen

R 418 et al.

COPY.

Hastings, Indian Territory, July 24, 1905

Hall, Hastings and Denver, Colo.,

Attorneys for the Cherokee Nation,

Hastings, Indian Territory,

Gentlemen:

There is inclosed herewith the decision of the Commissioner to the Five Civilized Tribes, dated July 24, 1905, rejecting the applicants for enrollment as Cherokee Freedmen embraced in the consolidated cases of Martha Albert et al., C.F.R. 418, Robert Barnes, C.F.R. 419, Lula Knull et al., C.F.R. 420, Nancy Norton et al., C.F.R. 421, Henry Albert et al., C.F.R. 422, John Barnes et al., C.F.R. 423, Jerry Albert, C.F.R. 424, Lillie White et al., C.F.R. 425, Malinda Knull et al., C.F.R. 426, Frank Gardner, C.F.R. 427, Joshua Barnes, C.F.R. 428, Sarah Brown et al., C.F.R. 429, Minnie Barnes, C.F.R. 430, and Maggie Bell et al., C.F.R. 431. You have heretofore been furnished with a copy of the record of proceedings.

Dall, Hastings & Newport, -8

The decision, with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED

*Tame Dixby.*

Incl. 2-34

Commodore

REFER IN REPLY TO THE FOLLOWING:

Cherokee Freedman  
R 430

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.



Muskogee, Indian Territory, July 24, 1906

Frank Gardner,

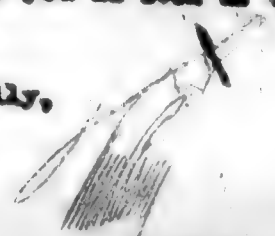
Melvin, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated July 24, 1906, denying your application for enrollment as a Cherokee Freedman. There has heretofore been furnished your attorneys, Neal and London, Fort Smith, Arkansas, a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commissioner's decision.

The decision, with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the secretary will be made known to you as soon as this office is informed of the same.

Respectfully,



Commissioner

Incl. B-37

-COPY-

G.R.

DEPARTMENT OF THE INTERIOR, ILS

WASHINGTON.

D.C. 28988.  
I.T.D. 4732-1904.  
1332-1905.  
8789- \*  
10222- \*

June 2, 1906.

L.R.E.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

July 24, 1905, you transmitted the remanded record with your readjudication in the matter of the consolidated applications for the enrollment of Martha Albert et al. as Cherokee freedmen, including your decision of same date, adverse to all the applicants.

August 12, 1905, the Acting Commissioner of Indian Affairs reporting thereon, recommended that your decision dated July 24, 1905, adverse to all the applicants named in his said letter, be approved. A copy of his letter, including the names of applicants affected by this decision, is inclosed.

The Department concurs in the recommendation made and your decision dated July 24, 1905, denying the application for the enrollment of Martha Albert and others named in Indian Office letter of August 12, 1905, is hereby affirmed.

A motion for review of said decision filed with the Department on September 7, 1905, by Messrs. Blue & Bulger and



McGowan, Warren & Mahan, attorneys for moving parties therein,  
is hereby denied.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

2 inclosures.

Cherokee Freedman  
R430

COPY.

Muskogee, Indian Territory, June 15, 1906.

Frank Gardner,  
Melvin, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes dated July 24, 1905, rejecting, among others, application for your enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior June 3, 1906, and that a motion for review of your case filed September 7, 1905, is denied.

Respectfully,

(SIGNED).

*Tame Bixby.*

Commissioner.

MP

Cherokee Freedmen  
R 418

COPY.

Muskogee, Indian Territory, June 19, 1906.

Neal & London,

Attorneys for Martha Albert,  
Ft. Smith, Arkansas.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes dated July 24, 1905, rejecting the applications of Martha Albert et al, for enrollment as Cherokee freedmen, was affirmed by the Secretary of the Interior June 2, 1906, and that a motion filed September 7, 1905, for a review of said case is denied.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

(SIGNED)

*Tamr Pixby.*

Commissioner.

Incl. F-15  
MMF

COPY

Cherokee Freedmen  
# 418

Waukego, Indian Territory, June 15, 1906.

Blue & Bulger,  
Attorneys for Martha Albert,  
Baxter Springs, Kansas.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes dated July 24, 1905, rejecting the applications of Martha Albert et al, for enrollment as Cherokee freedmen, was affirmed by the secretary of the Interior June 2, 1906, and that the motion filed by you September 7, 1906, for a review of said case is denied.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

*Tama Bixby*  
Commissioner.

Incl. P-17  
BIB

Cherokee Probate  
man B 418

COPY

Muskogee, Indian Territory, June 18, 1906.

Bell, Hastings & Davenport,  
Attorneys for Cherokee Nation,  
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes dated July 24, 1905, rejecting the applications of Martha Albert et al, for enrollment as Cherokee freedmen, was affirmed by the Secretary of the Interior June 2, 1906, and that a motion filed September 7, 1906, for a review of said case is denied.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

CHRONIC

*James Dixby*  
Commissioner.

Incl.P-16  
MCP



LANDS  
59346-1908.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

August 12, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes, dated July 24, 1908, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Martha Albert for herself and her minor children, Elijah and Ida Albert; by Robert Barnes for himself; by Lula Knull for herself and her minor children, Sarah French and Fred A. Knull; by Nancy Berkum for herself and her minor children, Annie and Walter Berkum; by Henry Albert for himself and his minor children, Harry, Raymond and Lewis Albert; by John Barnes for himself and minor children, Gusie A. and John A. Barnes; by Jerry Albert for himself; by Lillie White for herself and her minor children, Mattie, Nancy, and Ames White; by Charles McGlain for his wife, Malinda McGlain, and his minor children, Samuel, Ella, Christiana, Charles, Turner, Jennetta and Mattie McGlain; by Frank Gardner for himself; by Joshua Barnes for himself; by Sarah Brown for herself and minor child, Maggie Williams; by Minnie Barnes for herself, and by George C. Bell for his wife, Maggie Bell, and his minor child, George L. Bell.

July 24, 1904, the Commission decided adversely to all the applicants.

The record shows that on January 11, 1904, the Commission rendered a decision denying these applicants, except Mattie McClain inadvertently omitted, and that on June 21, 1904, the decision was affirmed by the Department; that thereafter, on March 25, 1905 (I.T.D. 1332-1905) the Department reopened and remanded the case for further testimony and readjudication.

The record further shows that the applicant, Martha Albert and Jennie Barnes, deceased, were full sisters, and were born prior to the beginning of the war of the rebellion; that all the other applicants were born since the beginning of the war, are lineal descendants of the applicant, Martha Albert and Jennie Barnes, deceased, and possess no rights to enrollment other than as such descendants.

It is further shown that the applicant, Martha Albert and Jennie Barnes, deceased, were neither the slaves of a Cherokee citizen, nor free colored persons residing in the Cherokee country at the beginning of the war of the rebellion, and that they did not return to the Cherokee Nation on or before February 11, 1867.

Excepting the Wallace and Kern-Clifton, none of the applicants is identified on any roll of the Cherokee Nation.

In view of the record the approval of the Commission's decision adverse to all of the applicants is recommended.

Very respectfully,  
C. F. Larrabee,  
Acting Commissioner.

M.M.M.  
V.

Department

Commission

MUSKOGEE

Interior



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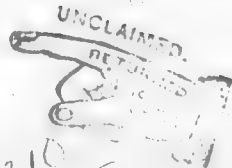
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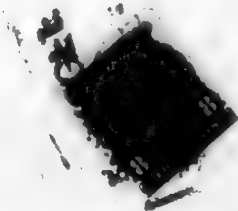
Department of the Interior,

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



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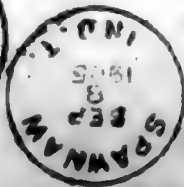
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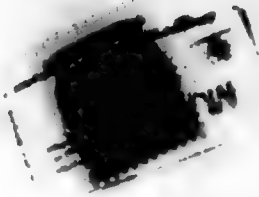




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Frank Gardner,  
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# Department of the Interior.

Commission to the Five Civilized Tribes,  
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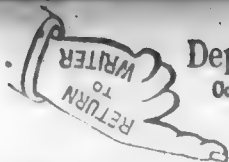
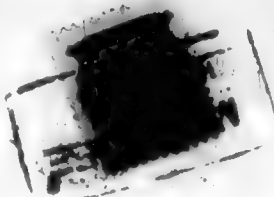
OFFICIAL BUSINESS.

Penalty for private use \$300.



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# Department of the Interior.

Commission to the Five Civilized Tribes,  
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



*Unknown*

~~Nancy Berkum,~~

MoKey, Indian Territory.

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JAN 27 1904

JAN 12 1904  
MUSKOGEE, IND. TER.

Cher. Fr. R-431

See Cher. Fr. R-418 To R-430 inc.

Cher. Fr. R-431

Commissioner.

Sworn to and subscribed before me this 7th of May, 1901.

James O. Jones, being sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the testimony of Martha Albert and Polly Albert given on April 18, 1901, in the matter of the application of Robert Barnes for enrollment as a Cherokee freedman, and that the foregoing is a true and correct copy thereof.

COMMISSIONER OF THE FIVE CIVILIZED TRIBES

FILED  
1901

ACTING CLERK



To be filed with case of Maggie Bell

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Ft. Gibson, I.T., April 18, 1901.

In the matter of the application of Robert Barnes for the enrollment of himself as a Cherokee Freedman.

\* \* \* \* \*

Martha Albert, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give your name there, please? A Martha Albert.

Q How old are you? A I am about 57 or 8 years old.

Q What is your post office? A Melvin.

Q In what district do you live? A Live in Tahlequah District.

Q You want to give some evidence here in the application of Robert Barnes don't you for enrollment? A Yes, sir.

Q You have made an application for yourself and two children?

A Yes, sir.

Com'r: This is D 42.)

Q A trouble in your own application appeared to be to establish when you came back to the Cherokee Nation after the war?

A I came back here two months before the '66 treaty went off.

Q You know Robert Barnes do you? A Yes, sir.

Q How long have you known him? A I have knowed him ever since he has been born; he was my sister's child.

Q Child of your sister Jennie? A Yes sir.

Q She belonged to Johnson Whitmire? A Yes, sir.

Q Were you and she taken out of the Cherokee Nation during the war? A We went to Red River in the Choctaw Nation.

Q You didn't go across the river? A No, sir, we never crossed into Texas.

Q Was your sister there with you? A Yes, sir.

Q And both of you belonged at that time to Johnson Whitmire, did you? A Yes, sir.

Q Well, did she come back with you? A Yes sir.

Q Johnson Whitmire brought you both back? A No sir, my father brought us back.

Q You and your sister came back together? A Yes, sir.

Q What was the father doing down there? A Well we went south.

Q Was he working down there? A Yes, sir.

Q On a plantation? A Yes, sir, he was a free man; he always just dug wells around for people.

Q Your father was a Free man? A Yes sir.

Q But your mother was a slave? A Yes sir.

Q Did she come back with you and your sister? A Yes sir.

Q What business did you say your father did? A He dug wells and worked around for people.

Q And he brought your mother and both of you back? A Yes, sir.

Q In what year did he bring you and your sister? A 1866 when I come back here.

Q What time of the year was it? A It was in the fall of the year.

Q Where did your sister locate when she come back? A She located down here close to Cherokee Junction.

Q Were you in the same neighborhood with her? A Yes sir, right in the same yard.

Q Were you on a plantation or about the town? A I was on Gale Starr's place.

Q On a farm? A Yes, sir.

Q He is not living now, Gale Starr, is he? A I don't know.

Q Any of his children living? A I don't know.

Q Is his wife living? A I don't know that, neither; I have been living in Sequoyah.

Q Are there any of the people who were living there on that place at that time living now? A No, sir, not on that place; there wasn't no one there but us working the farm, rented the place.

Q You and your sister were on that place? A Yes, sir.

Q But there were no colored people on it but just you

and your people? A Yes, sir.

Q Well, how many people were in your family at that time, you and your sister and who else? A Me and my sister and our husbands.

Q Was her husband then living, Sam Barnes? A Yes, sir.

Q And your husband, is he living? A Yes, sir.

Q Has your husband testified in your case? A No sir.

Q Why didn't you bring your husband? A He is in here somewhere.

Q Your sister's husband is not here is he? A No sir.

Q Did your husband go around the country digging wells after he got back? A My father.

Q Was he with you when you got back? A Yes, sir, brought us back.

Q Did he go around the country digging wells? A No, sir, he didn't dig any wells after he got back.

Q What did he do? A He farmed.

Q Was he living with you there on Mr. Starr's place? A Yes, sir.

Q Your father is dead now? A Yes sir.

Q Who had farms there in that neighborhood? A Old Uncle Jack Campbell.

Q Is he alive? A No sir, he is dead.

Q Anybody else? A Yes sir, Dave Choate had a place right there joining.

Q Named Choate? A Named Choate, Cherokee.

Q Is he living? A I don't know.

Q Do you know anybody who is living now that was living in that neighborhood there and knew you all? A Yes sir.

Q Well, give their names? A Elisa Franklin, it aint Franklin now; that was her name when I knew her; her name is Elisa McGrady now.

Q Is she about the room now? A No sir, she is living down in Sequoyah; she is a Cherokee.

Examined by Cherokee Representative, W. W. Hastings:

Q Where were you married? A We married in slavery time; we married in the Choctaw Nation.

Q Your husband came back with you also? A Yes sir.

Q I thought you said your father brought you back? A Well, my father was the leading one brought us back.

Q Where was your sister married? A She was married down here under the Cherokee law.

Q She wasn't married down there? A No, sir.

Q Her husband didn't come back with her? A No sir.

Q Where was Robert Barnes born? A Down in Sequoyah.

Q On what place? A Right there on the Gale Starr place.

Q That's how far from Ft. Smith? A About four miles.

Q And by the river, on this side? A Yes, sir.

Q You say Gale Starr was living there at the time? A No, sir, old man Ellis Harlin was living there.

Q He had a family? A Yes, sir.

Q One of them named Emma? A Yes, sir.

Q She was living there? A Yes, sir.

Q Another one named Ruth? A That's right.

Q She was living there at that time? A Yes, sir. And a boy named Ooe.

Q And Ooe was living there at that time? A Yes sir.

Q He knew your people now? A Yes sir.

Examined by Commissioner Breckinridge:

Q How many children have you? A I have got six.

Q Where was your oldest child born? A Born in Sequoyah.

Q How old is that child? A About 37 years old.

Q How long had you been married down in the Choctaw Nation when you got back? A We married time of the war.

Q Along towards the last of the war? A Yes sir.

Q How long had you been married when your oldest child was born?

A I couldn't go to work to tell you about that.

Q Been several years had it? A Yes sir.

Q How long had you been back here when your oldest child was born?

A She was born in '87.

Q How long had you been back here when she was born? A Well, I say she was born in '67.

Q Who attended on you at the time of the birth of that child?

A The woman who attended on me is dead, Mandy Benton's mother.

Q Some of the old people living who remember when that child was born? A No, sir, none that I know of; there wasn't no colored folks in there hardly then.

Q You don't remember how long you had been back in the Cherokee Nation when that child was born? A Yes, sir.

Q How long? A She was born in '67.

Q I didn't ask you what year she was born in, I asked you how long you had been in the Cherokee Nation when that child was born?

A Well, I tell you she was born the year after I come back here.

Q The next year after you got back? A Yes sir.

Q Was the child born in the spring, summer or fall? A Born in January.

Q And what time of the year was it you got here? A I got here in the fall of 1866.

Q In the fall before the January this child was born? A Yes, sir.

Colly Albert, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Colly Albert, is the way I always sign my name.

Q How old are you? A I am 61.

Q What is your post office? A Melvin.

Q In what district do you live? A I live in Illinois district.

Q You want to give some testimony in the case of Robert Barnes do you, who has applied for enrollment? A Well, I can give some.

Q Well, you are not here to apply for your own enrollment are you?

A No, sir, not now; not at present.

Q Are you the husband of Martha Albert? A Yes sir.  
(Com'r: Her case is D 42.)

Q Do you know Robert Barnes? A Yes sir.

Q How long have you known him? A I have been knowing him ever since he was born.

Q How long have you lived in the Cherokee Nation? A I have been raised and born here in the Cherokee Nation.

Q Were you a slave in old times? A Yes sir.

Q To whom did you belong? A Old lady Bushyhead, Nancy.

Q Where were you during the war? A I was down on Red River.

Q In the Choctaw Nation? A Yes sir.

Q Where did you live before that, on Nancy Bushyhead's place?

A Yes sir.

Q In what district was that? A In Going Snake district.

Q You married your wife, Martha, down there, did you, on Red River.

A No, sir, I married her after I come back; I lived with her but I didn't marry her until after we come back to the Cherokee Nation.

Q How long after you came back to the Cherokee Nation was it before you and she married? A About three years I guess; I joined the church and they wouldn't let me in the church until I married.

Q Did you and she have any children until after you were married?

A Yes, sir, she had two.

Q Two before you were married? A Yes, sir.

Q That is, before you were married the way the church made you marry? A Yes sir.

Q You knew your wife's sister, Jennie? A Yes sir.

Q She was married to Sam Barnes was she? A Yes sir.

Q Did you come back with your wife after the war when she came from the Choctaw Nation? A I come a little ahead of her; a few days.

Q Just a few days? A Yes sir, she come with her father.

Q Did her sister Jennie come with her? A Yes sir.

Q She and your wife come together? A Yes sir.

Q Her sister Jennie was the mother of this Robert Barnes? A Yes, sir.

Q What were you doing down there in the Choctaw Nation, farming?

A Yes sir, worked on the farm awhile.

Q Well you were working on a farm all the time weren't you? A Well sometimes I was driving a team.

Q Did you make a crop of cotton? A No, sir, corn crop.

Q Where did you locate when you came back from the Choctaw Nation?

A Near Cherokee Station there on Caleb Starr's place.

Q What time of the year was it when you got back there? A It was along in August sometime in August, I disremember just what day in August it was, but we got back there in August.

Q You think that was in what year? A 1866.

Q What fixes that on your mind? A Well, I kept count of how long the war run; I knowed what year the war come in on.

Q How long had the war been closed when you came back? A I come back next spring after the war closed.

Q You fixed it on your mind that way? A Yes sir, that's the way it was.

Q You know this woman Jennie Barnes, mother of Robert Barnes, whom did she belong to before the war? A I didn't know who she belonged to; I know who they always said she belonged to; she belonged to the same man my wife did.

Q What was his name? A Johnson Whitmire; I never got personally acquainted with them until I got down there on Red River.

Q Was Jennie Barnes older or younger than your wife? A She was youngest, her mother and father died.

Q Was she married there in the Choctaw Nation? A No, sir, I don't think she was until we come back to the Choctaw Nation I think.

Q Married after she got back? A Yes, sir. As well as I recollect that's what they told me; I wasn't there when they married.

Q But you were seeing them all the time weren't you? A Yes, sir.

Q Did you see her very soon after she was said to have been married?

A She stayed there with me a while on the Caleb Starr place.

Q Where was she when she married? A She was over in Ft. Smith I think, hired out.

Q And there is where she married Sam Barnes? A Yes sir, I think so.

Q How long was that after you had got back from the Choctaw Nation?

A It was about one year I think, not quite a year; it was about six months.

Q She stayed with you a while on the Starr place and then hired to do some work over at Ft. Smith and there married? A Yes sir.

Q And where did she live after that? A Lived up on Lee's Creek there close by me.

Q How long did she stay at Ft. Smith? A I don't know exactly; not very long though; I don't recollect now just how long it was.

Q How long had she been married before you saw her; how long was it after her marriage that you saw her? A It was about two or three months I guess.

Q You saw her two or three months after she was married? A Yes, sir.

Q Where did you see her? A She come over to my house there on a visit; on the Caleb Starr place.

Q What creek was that you say she lived on at one time? A Lee's Creek.

Q How long had she been married when she began living on Lee's Creek?

A She had been married as well as I can recollect, then about four or five years.

Q And she had quit work in Ft. Smith then had she, and gone to live on Lee's Creek? A Yes, sir.

Q What was her husband doing all that time? A Why he was farming, he went to farming after he come over into the Cherokee Nation.

Q But during that four or five years before he lived on Lee's Creek, you don't know what he was doing do you? A Yes sir, he moved over there and was hired out.

Q Moved over where? A The other side of Ft. Smith in the coal bank.

Q He worked there until he moved up on Lee's Creek? A Yes sir.

Q Now Sam Barnes, her husband, he makes no claim for himself as a



Cherokee Freedman? A No sir, none as I ever known of.

Q He was working for wages up there about the coal bank I suppose?

A Yes, sir.

Q And after working there four or five years he then moved up on Lee's Creek and went to farming? A Yes sir, he was living over here when he was working in the bank; he had moved before he went to work over there.

Q What was his wife doing all that time when he was working at the coal bank? A She was working in the field there with me and my folks; they lived about three or four ~~miles~~ hundred yards from me.

Q You said just now she had come over there up to Lee's Creek?

A She did after they were married.

Q You said she came up there four or five years after they were married, and now you say she had come before that and lived with you; which one of these can I rely on? A I said about five years he lived over there and went back to work the other side of Ft. Smith about five years after he was married.

Q He went back there about five years after he was married to work?

A Yes, sir.

Q Well then how long did he live over there after that? A After he had moved over here?

A Yes? A I don't know sir how long he worked; I couldn't tell exactly.

Q You now tell me that after he was married he came over here and worked four or five years and then went back to Arkansas and worked on a coal bank? A Yes, sir.

Q What's what you tell me now is it? A Yes, sir.

Q Well then how long did he work on a coal bank? A I couldn't tell you exactly how long he worked.

Q You told me a while ago he worked four or five years on a coal bank? A No sir, I don't think I did; if I did I made a mistake.

Q How much was it you said, more or less? A It was less than that.

Q Whose coal bank was it? A It was called Jenny Lynn, over there about Huntington.

Q The town of Jenny Lynn? A Yes, sir.

Q How long did he work over there about that coal bank off and on?

A As well as I recollect it was about a year.

Q Not four or five years? A No sir.

Q Did he take his family along with him? A No sir, his family was over here living right by us.

Examined by Cherokee Representative, W. W. Hastings:

Q Who was living on the Gale Starr place at the time you were, immediately after you came back with your wife from the Choctaw Nation?

A Ellis Harlin.

Q Did Ellis Harlin have some children living there? A He had two daughters.

Q What was their names? A Rutha and Emma.

Q They were living on the place at that time? A Yes sir.

Q Did he have any boys? A Yes sir, had one named Oee.

Q What was the other one's name? A I forget the other's name; he didn't come around there none, the other one didn't.

Q They were living there at that time? A Yes, sir.

Q They were single and unmarried and living there on the place at the time with their father? A Yes, sir.

Q All of these children that you have mentioned? A Yes, sir, all but Oee; I don't know whether he was married or not; he just come in and out; I don't know what he was; the girls though were single.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, M. D. Green

Subscribed and sworn to before me this April 19, 1901.

Signed, C. R. Breckinridge, Commissioner



Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the First Civilized Tribes he copied the testimony of Martha Albert and Sally Albert, given on April 18, 1901, in the matter of the application of Susan Warner for enrollment as a Cherokee Freedman, and that the foregoing is a true and correct copy thereof.

Bruce C. Jones

Sworn to and subscribed before me this 7th day of May, 1901.

W. H. Harrison

Commissioner.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED  
APR 27 1901

*[Handwritten signature]*

*[Handwritten initials]*

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Fort Gibson, I.T., April 27, 1901.

In the matter of the application of George C. Bell for the enrollment of his wife, Maggie Bell, as a Cherokee Freedman.

George C. Bell, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A George C. Bell.
- Q How old are you? A 30 years old.
- Q What is your post office address? A Dora, Arkansas.
- Q Where do you live? A A mile west of Dora; Dora is right on the line.
- Q Do you live in the Cherokee Nation or Arkansas? A The Cherokee Nation.
- Q You apply for the enrollment of your wife? A Yes, sir.
- Q What is her name? A Maggie Bell.
- Q How old is she? A 29.
- Q What is her post office? A Dora.
- Q Do you apply to have her enrolled as a Cherokee Freedman?
- A Yes, sir.
- Q Did she ever apply to be enrolled as a Freedman of any other nation or tribe? A No, sir.
- Q Did she ever draw money from any other nation? A No, sir.
- Q Has she been recognized by the Cherokee authorities as a Cherokee Freedman? A No, sir.
- Q Is her name on the rolls of the Cherokee Nation? A Only one.
- Q What roll? A The Wallace roll.
- Q What is the name of her father? A Sam Barnes.
- Q Is he living? A Yes, sir.
- Q What is the name of her mother? A Jennie Barnes.
- Q Is she living? A No, sir.
- Q Was your wife Maggie a slave? A No, sir.
- Q Was her mother? A Yes, sir.
- Q Who did her mother belong to? A If my memory is right, Bolding.
- Q Was he a Cherokee citizen? A Yes, sir, said to be.
- Q By blood? A Yes, sir.
- Q Do you know it? A No, sir, so said to be.
- Q Who says so? A That is what the whole family claims, the Barnes family.
- Q Where was your wife born? A On Lees Creek in the Cherokee Nation.
- Q Has she always lived in the Cherokee Nation? A Yes, sir.
- Q You say your wife's mother is living? A No, sir, she is dead.
- Q Was she taken out of the Cherokee Nation during the war? A I don't know sir; the testimony in this has been given by Mattie Albert and Colly Albert.
- Q I thought you said she had never applied before? A I never, but she is a member of the Barnes family.
- Q You don't know anything about her mother? A Why, yes, sir.
- Q You don't know whether she was a slave or not or whether she was here in 1865? A No, sir, I just want to enroll her, I married in the family; this is one of the Barnes children.
- Q What Barnes children? A Sam Barnes and Jennie Barnes.
- Q Have they applied to be enrolled? A Yes, sir, all the rest of them.
- Q Jennie Barnes is dead though, isn't she? A Yes, sir; her son Robert applied, he is the head of the Barnes family, and he attended to the business.
- The 1880 authenticated roll, of Cherokee Freedmen examined and the applicant not identified thereon.
- The 1890 census roll of Cherokee Freedmen examined and the applicant not identified thereon.
- The Wallace roll examined, and the applicant Maggie Bell identified thereon, page 96, No. 3132, Maggie Barnes, Going Snake district.



Maggie Bell - 2.

Q Now what testimony do you want to refer to in your case?

A Golly Albert and Mattie Albert.

Q Do you want the testimony of Mattie Albert and Collie Albert in the matter of the application of Robert Barnes? A Yes, sir.

Q Have you got any witnesses you want to introduce? A I just have to prove her being a sister of John and Robert don't I? Q I don't know what you have to do. A Yes, that is it.

Q You want to refer to the testimony of Martha Albert do you?

A Yes, sir.

Q What was the name of the other? A Golly Albert.

Commissioner: Applicant refers to the testimony of Martha Albert and Golly Albert in the case of the application of Robert Barnes, Cherokee Freedman Doubtful case D99.

Joseph Bruner, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Joseph Bruner.

Q What is your age? A I am going on 65.

Q What is your post office? A Bengo.

Applicant, George C. Bell: My wife is the sister of Robert Barnes, Sarah Brown, and Minnie Barnes.

Commissioner: Do you know Maggie Bell? A Yes, sir.

Q The wife of George C. Bell? A Yes, sir.

Q What is the name of her sisters? A One that they call Mag and the smallest one is Minnie.

Q Mag and Minnie Barnes? A Yes, sir, and there is one they call Lou French.

Q Do you know Sarah Brown? A Yes, sir, I know her.

Q Do you know Maggie Bell, the wife of George C. Bell, to be the sister of Sarah Brown and Lou French and Minnie Barnes? A Yes, sir.

William Bell, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A William Bell.

Q What is your age? A About 55.

Q What is your post office address? A Bengo.

Q Are you a recognized citizen of the Cherokee Nation? A I was bred and born here, but I haven't been tried yet.

Q Do you know George C. Bell? A Yes, sir.

Q Do you know his wife Maggie? A Yes, sir.

Q Do you know who Maggie's mother was? A No, sir, I don't.

Q Do you know if Maggie has got any sisters or brothers? A Yes, sir.

Q What are the names of her sisters? A I can't think of their names now.

Q Do you know Lou Brown? A Yes, sir, Lou French.

Q Is she a sister of Maggie Bell? A Yes, sir.

Q Do you know Sarah Brown? A Yes, sir.

Q Is she a sister of Maggie Bell? A Yes, sir.

Q Do you know Robert and Joshua Barnes? A Yes, sir.

Q Are they brothers of Maggie Bell? A Yes, sir.

George C. Bell, recalled, testified as follows:

Q How long has your wife lived here? A She was born here.

Q Always lived here? A Yes, sir, been here ever since she was a child.

Q Has your wife got any children? A No, sir.

Commissioner Needles: George C. Bell applies for the enrollment of his wife, Maggie. He avers that her maiden name was Barnes, her father was Samuel Barnes, and her mother was Jennie Barnes. Her name is not found upon any of the rolls of the Cherokee Nation except the Wallace roll. She makes satisfactory proof as to residence, but no satisfactory proof as to citizenship, consequently her name will be placed upon a doubtful card for the further consideration of the matter.

Maggie Bell - 1.

and when the Commission decides as to the matter of the citizenship of Maggie Bell, and also her husband, George G. Bell, will be notified by mail.

\*\*\*\*\*

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this 27th of April, 1901.

[Signature]

Commissioner.



20

U.S. DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS  
WASHINGTON, D. C.  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
DEPARTMENT OF THE INTERIOR

U.S. DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS  
WASHINGTON, D. C.

7. 2. 185

Q. How old are you, Mr. Hall? A. I am something over 50 years old, about 52, as near as I can get at it.

RE-DIRECT EXAMINATION BY A. S. MORTON.

Q. Did Johnson Whitire bear a slave by the name of Charles Whitire, or Charles Helen? A. If he did I didn't know, he may, I have heard of Charles Helen, but I don't know who he is.

Q. Well, did he own a slave, family slave, by the name of Henry?

A. Not as I know of, sir.

Q. Now, as I understand you to say, Mr. Hall, you didn't know all the slaves of Johnson Whitire? A. Yes, sir; I was acquainted with 'em, they was kin to me.

Q. You were kin to all them? A. Yes, sir, kin by blood and I know them.

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J. D. Rouse, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereon.

To be filed with case of Maggie Bell, C. F. D. #182.

**SUPPLEMENTAL EXHIBIT.**

P. S. #182.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
VENONA, ILL., MAY 21st, 1901.

**SUPPLEMENTAL EXHIBIT** in the matter of the enrollment of **MAR  
THE ALBERT**, et al., as Cherokee Freedmen:

**RUSS HUNT**, being sworn and examined by Commissioner T. B.  
Needles, testified as follows:

**AFFIDAVICES!**

A. S. McKee, Attorney for Applicant;  
H. F. Hastings, Cherokee Representative.

- Q What is your name? A Russ Hunt.  
Q How old are you? A 54.  
Q What is your post office address? A Venona.  
By H. F. Hastings: Mrs. Hunt, what was your maiden name?  
A Harlin.  
Q What was your father's name? A Ellis Harlin.  
Q What was your mother's name? A Nancy Harlin.  
Q Where did you go during the war of the Rebellion?  
A Fort Smith, Arkansas.  
Q After the war did you return to the Cherokee Nation? A Yes, sir.  
Q When did you return to the Cherokee Nation? A 1867.  
Q What time of the year? A It was either February or March, I  
don't remember which.  
Q But '67? A Yes, sir.  
Q Did any colored people return with you to the Cherokee Nation  
when you came back? A No, sir.  
Q Did you return with your father? A Yes, sir.  
Q To what point did you return? A About four miles this side of  
Fort Smith, on the line of Arkansas, about a quarter of a mile  
from the line, Arkansas line.  
Q Did you know a colored woman by the name of Martha Albert who  
is the wife of Collie Albert? A There was a man worked for us we  
always called him Albert, I don't know what his other name was, his  
wife was named Martha, he worked for us that summer we came back.  
Q The summer of '67? A Yes, sir.  
Q Did they return with you? A No, sir.  
Q Were they ever there at the place when you returned? A No, sir.  
Q Do you know where they came from? A No, sir, I don't but I  
went over to Arkansas somewhere and hired the man to come and work,  
but I don't know where he got him. He had a man at work for us  
and the man quit and went away somewhere and got this man, he  
got him in Arkansas, I don't know where towards Van Buren, but I don't know.  
Q You brought the colored people back with you? A No, sir.  
Q Did these people claim at that time to be Cherokee Freedmen?  
A I never heard of it, but I don't remember anything about  
them claiming.  
Q Do you know what became of them after they left your place?  
A No, sir, I never saw or heard tell of them until they was tak-  
ing the roll at Venona, Ark. before.  
Q In 1867? A Yes, sir, that is the only time I have ever heard of  
them since.  
Q Are you a Cherokee citizen by blood? A Yes, sir.  
Q You residing at Venona? A Yes, sir.

WITNESSED AND SUBSCRIBED AT A. S. McKee

Q Mrs. Hunt, did you know the applicant, Mattie Albert, before the war? A No, sir.

Q Do you know her at all? A I don't know her only just as far back as 1867; I remember there was a man worked for us by the name of Albert, we called the woman Martha and the man Albert, they worked for us here during the summer of 1867, that is all I know about it.

Q You don't know whether she is the one who belonged to Johnson Whitmire before the war, or not? A No, sir, I don't know; I never heard her say that she belonged in the Nation before the war.

Q Did you know the Whitmires? A Yes, sir.

Q Did you know any of their slaves? A I can't remember them, I knew them but I can't remember them.

Q Now, this man Albert that worked for your father, you don't know his given name? A No, sir, we just called him Albert, and I don't remember what his other name was.

Q You don't know whether Albert was a given or surname? A No, sir, I don't know which it was.

Q Would you know the same persons if you would see them again?

A I don't think I would, it has been so long.

RE-DIRECT EXAMINATION by Mr. Hastings:

Q How far did you live from Johnson Whitmire before the war?

A About ten or 12 miles. I knew the family and I guess knew the slaves, I don't remember them now.

Q I believe you said you were 34, that would make you be born in 1847; you would be about 13 years old when the war came up?

A Yes, sir.

Q I was going to ask you if you lived in ten or twelve miles of Johnson Whitmire and if this woman had belonged to him before the war, it is quite likely you would have known that in 1867?

A It seems that she would have known people that I did and would have said something about it. I went to school with Whitmire's children and have been at Ben Whitmire's house and I guess would remember some of the names if I heard them recalled, but I can't remember them now.

Q You didn't recognize this woman? A No, sir, I would not recognize her now.

Q You didn't recognize her then as belonging to Johnson Whitmire?

A No, sir.

Q Never heard her remark about it? A No, sir.

EMMA FINLEY, being duly sworn by Commissioner T. B. Head-  
less, testified as follows:

DIRECT EXAMINATION BY MR. HASTINGS:

Q What is your name? A Emma Finley.

Q What is your age, Mrs. Finley? A 51.

Q What is your post office address? A Tablequah.

Q Are you a Cherokee by blood? A Yes, sir.

Q Recognized citizens of the Cherokee Nation? A Yes, sir.

Q Mrs. Finley, what was your maiden name? A Emma Berlin.

Q You are a sister of Mrs. Hunt who has just testified?

A Yes, sir.

Q What was your father's name? A Willie Berlin.

Q What was your mother's name? A Jenny Berlin.

Q Did you come back with your father after the war to the Cherokee Nation? A Yes, sir.

Q When did your father die? A '67.

Q Where did he die? A Down in Sequoyah district, near Fort Smith.

Q To what point in the Cherokee Nation did you return after the war? A Down on the line close to Fort Smith.  
Q About how far from Fort Smith? A Four miles.  
Q I ask you if any colored people returned with you? A No, sir.  
Q What time did you return to the Cherokee Nation? A In '67.  
Q What time in '67? A I am not positive what month it was, it was either February or first of March, I think.  
Q Did any colored people return with you? A No, sir, there was not.  
Q Do you remember a colored woman by the name of Albert, Martha Albert? A Why, yes, I remember her, she didn't come back with us.  
Q She didn't come back with you? A No, sir.  
Q When do you first remember of having seen her? A I think it was the last of March or first of April, I am not positive which, but it was along about that time.  
Q It was after you returned to the Cherokee Nation after the war? A Yes, sir, after we came back in '67.  
Q Do you know where she came from? A In the State some place.  
Q She worked for you that season, or part of the time? A Part of the time.  
Q She didn't come back with you or your father? A No, sir.  
Q Do you know whether she claimed at that time that she was a Cherokee slave? A No, sir, she didn't; if she did I never heard her. Never claimed at all.  
Q Mrs. Finley, did you know Johnson Whitacre before the war? A No, sir, I had heard of him but I was not acquainted with him.  
Q You were young? A Yes, sir.

CROSS EXAMINATION BY A. S. MORRIS:

Q Mrs. Finley, where did you all go to before the war, did you leave the Nation? A Before.  
Q Yes? A No, I left the Nation after the war began.  
Q Left during the war? A Yes.  
Q Where did you go to? A Fort Smith.  
Q Did you know Martha Albert at that time? A When I left the Nation?  
Q Yes? A No.  
Q Where was the first time you ever seen Martha Albert? A In '67.  
Q Where at? A In Sequoyah district.  
Q At what time of the year was it? A It was in the last of March or first of April, I am not sure which.  
Q In 1867? A Yes, in '67.  
Q Do you know whether she had ever lived in the Nation? A No, I don't.  
Q Did her husband work for you all? A Yes, in '67.  
Q What was his name? A Colly, that is all the name I ever heard.  
Q Just knew him as Colly? A Yes, that is all we called him.  
Q Do you know whether or not they were slaves? A No, I don't know.  
Q And you saw they came here from the State of Arkansas to work for your father in 1867? A Yes.  
Q You don't know whether or not of your own knowledge they had been in the Territory prior to that or not? A No, I only know that he went over in the State and got them.  
Q What were they doing in the State? A I don't know.  
Q Don't know whether they were living there or not?  
A I suppose they were living there; went there and got them.  
Q Isn't it possible that they could have been over there at work?  
A It is possible, it is not impossible, of course, they had every thing they had over there.  
Q ~~gained their government in the State~~ ~~I don't know.~~



Q Had all their possession in the State of Arkansas? A Yes.  
 Q Did they move those possession over to your father's place when they come there? A Yes.  
 Q What possessions did they have? A They didn't have much, just what they had in the house and the hored.  
 Q You don't know whether they left the Territory or not?  
 A No.  
 Q And you don't know whether they come back in 1866 or not? A No.  
 Q And the first you knew about them was when they worked on your father's place in 1867? A Yes.

HARRY STILL, called as a witness on the part of Applicants being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Harry Still.  
 Q What is your post office? A Bayden.  
 Q What is your age? A Well, sir, I don't know exactly, something over 50.  
 Q You are a recognized citizen of the Cherokee Nation? A Yes, sir.  
 Q Freedman? A Yes, sir.  
 Q Is your name on the roll of 1860? A No, sir.  
 Q You are a contested citizen? A No, sir.

DIRECT EXAMINATION BY A. S. MARSA:

Q Mr. Still, you are called on to give some evidence in the case of Martha Albert; are you acquainted with Martha Albert? A No, sir, I am not.  
 Q Did you know Johnson Whitmire? A Yes, sir, I knew Johnson Whitmire.  
 Q Did you know any of his slaves? A Yes, sir, I knowed his slaves, I knowed 'em all, he was a brother of my Master.  
 Q Did you know this woman Martha? A Martha Whitmire? I didn't know any Martha Whitmire.  
 Q Did you know Polly Albert? A I know Polly Albert when I see him.  
 Q Did you know him before the war? A No, sir, I didn't.  
 Q Did I understand you to first say that you know Martha Albert, or that you did not know her? A I do not know her; I knew Johnson Whitmire's slaves, but I did not know her.  
 Q Do you know Eliza McGrady? A No, sir.

CROSS EXAMINATION BY MR. HASTINGS:

Q Where did you live before the war? A Lived on Barron York at George Whitmire's place.  
 Q What kin was George Whitmire to Johnson? A Brother.  
 Q How far did they live apart? A It must have been four or five miles.  
 Q Are you well acquainted with Johnson Whitmire? A Yes, sir.  
 Q Are you well acquainted with Johnson Whitmire's slaves?  
 A Yes, sir.  
 Q Did you know him to have a slave by the name of Martha?  
 A No, sir, I didn't know one by that name.  
 Q Didn't know one by that name? A No, sir.  
 Q You lived there in four or five miles? A Yes, sir.  
 Q If he had told you would have known it? A Johnson had a good many colored people; I know most of them, I know all of them, all he raised.  
 Q This woman claims now to be about 34 or 35 years of age, which would have made her 15 or 16 years old when the war come up; you didn't know any Martha Whitmire that was something of that age that belonged to Johnson Whitmire? A No, sir.



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DEPARTMENT OF THE INTERIOR

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Q How old are you, Henry? A I am something over 50 years old, about 54 as near as I can get at it.

RE-DIRECT EXAMINATION BY A. B. MCKEE:

Q Did Johnson Whitwire own a slave by the name of Charles Whitwire, or Charles Helen? A If he did I didn't know, he may, I have heard of Charles Helen, but I don't know who he is.

Q Well, did he own a slave, family slave, by the name of Nancy?

A Not as I know of, sir.

Q Now, as I understand you to say, Mr. Hall, you didn't know all the slaves of Johnson Whitwire? A Yes, sir. I was acquainted with 'em, they was kin to me.

Q You were kin to all them? A Yes, sir, kin by blood and I know them.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this August 29th, 1901.



Commissioner.

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DEPT. OF THE INTERIOR

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bought the

Q With whom? A With Dillingham, in the State of Arkansas.  
Q When was the sale made? Dillingham at that time was  
living in Arkansas? A Yes, sir.

Q Is your first statement that he was living in Texas correct,  
at the time of the sale? A No, sir, I didn't make that, he was  
living in Arkansas and moved to Texas, I said, in '50 or '51  
and taken them with him in about '50 or '51.

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A No, sir. I would like to examine the face of the record.  
Commissioner: The record shows for himself. If the  
witness contradicts himself the record shows it. I think the  
witness did state when you asked him where Dillingham lived,  
that he lived in Texas, but you didn't specify the exact time  
when he lived, but the witness stated plainly now at the time  
Dillingham bought the slaves he lived in Arkansas and moved to  
Texas a few years after.

McRae: Did you ever see Nancy Whitmore any more? A Well, I  
never saw her after he moved off to Texas with her.

Q Are you acquainted with Martha Avert, the applicant in this  
behalf? A No, sir.

Commissioner: You don't know Martha at all then? A No, sir; well  
there were several children, but I don't recollect their names; there  
were several children then only they were small.

Q You have never seen the averted mother of Martha, Nancy, after  
Dillingham took her to Texas? A No, sir.

McRae: And you don't know whether or not this woman, Martha,  
was one of the number of these children that accompanied the mother,  
Nancy, to Texas or not? A No, sir, I don't.

Commissioner: Did Nancy have children to your recollection?

A Yes, sir.

Q You don't recollect how many? A Well, no I don't, there was  
three or four, four children, there might have been more and might  
have been less.

File with Cherokee Freedman, Do 182, Maggie Bell.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Fort Gibson, I.T., September 4, 1901.

In the matter of the application of Martha Albert et al. for  
enrollment as Cherokee Freedman.

Testimony on behalf of Cherokee Nation.

Appearances:

A. S. McKee, attorney for applicants;

W. W. Hastings, of counsel for Cherokee Nation.

WATT WHITMIRE, being duly sworn by Commissioner Needles,  
testified as follows:

Mr. Hastings: What is your name? A Watt Whitmire.

Q What is your postoffice? A Westville.

Q How old are you? A 48.

Q What is your father's name? A Johnson Whitmire.

Q What was your mother's name? A Charlotte Whitmire.

Q In what district did your father live before the war?

A Going Snake.

Q Was there any other Johnson Whitmire in Going Snake at that  
time, that was grown, an old man with a family? A No, sir, not as  
I know of; there was a Johnson, a son; he is younger than I am.

Q Well, he was born about the time or after the war came up, or  
when? about how old is he? A He is some thirty odd, some 37 or 8.

Q Did your father own some slaves when the war broke out? A Yes,  
sir.

Q Do you know whether or not your father or your mother owned a  
slave by the name of Martha when the war broke out? A No, sir, not as  
I know of; none by that name.

Q Did your father or mother own a slave by the name of Nancy, a  
woman? A No, sir, not as I know of.

Q This Martha, according to her statement, would be some 14 or  
15 years of age at that time? A No, sir, I don't recollect nary  
one by that name.

Q You are Johnson Whitmire's son? A Yes, sir.

Q You were living at home at the time the war broke out? A Yes, sir.

By A. S. McKee: Mr. Whitmire, how many slaves did your father own?

A I don't know the exact number.

Q Were you acquainted with the names of all the slaves of your  
father? A Why I believe I recollect the oldest, I don't know that I  
recollect the smallest children's names, of all.

Q About what was approximately the number of old slaves? A Well,  
I will have to count that up.

Q Well, give an approximate statement? A About 12 or 14 or some-  
where along there; I don't know just exactly.

Q Did he own a slave by the name of Nancy? A Not as I recollect  
of; I don't recollect any such name.

Q About how old were you at the breaking out of the war? A I was  
born in '58; I believe the war broke out in '62, wasn't it; about '61.

Q You were about 3 years old? A 3 or 10 years, somewhere along  
there.

Q Now couldn't he have possibly owned this female girl and you  
not have any recollection of it? A I recollect all the names from  
my time up, but I don't recollect of any such name of Martha. There  
wasn't but two girls, and one was named Mary and one Fannie.

Q They were the only two female colored girls of the age of 12  
or 14 years old? A Well, they were younger than that; Maggie was  
younger than that and Mary was I reckon maybe one or two years older

than me; I don't know exactly, but I just judge from her size.

Q Well now, do I understand you to say that number of fourteen or fifteen adults, or older slaves, did they have any children? A Oh yes, that included men and women together.

Q Included men and women together? A Yes, sir.

Q Did they have any children? A Yes, sir.

Q Do you remember the names of them all? A Well not of all, I remember the names of some of them.

Q About how many children did each family have? A Well, there was one woman by the name of Fronia had one child named Susie, and there was an old lady named Susie had two or three, and I don't recollect the names of but one boy, his name was Joe, and this girl Nannie I spoke of was the child of old Aunt Susie, and there was one by the name of Rachel, I don't recollect just how many children she had, but one or two or three, somewhere along there; they were quite small when the war broke out.

Q That is all the children? A No, sir, I don't recollect just how many children there were in the whole family of the darkies, but there was Rachel's children, and Aunt Susie's children, and Fronie's child, one child, I believe that I recollect of.

Q Well, where did your father's slaves go during the war? A Well I can't tell you exactly; my understanding is they went north.

Q That they all went north? A Yes, sir, most of the men folks left here before I left the old place, and when I left there I left part of the women folks at home, at the old home place.

Q Leave any of the children? A Yes, sir.

Q Have you any recollection what became of them? A No, sir.

Q Did you ever see any of them any more? A No, sir, never saw any name of them any more at all.

Q Did you go away yourself? A Yes, sir, taken away.

Q Where did you go? A Went from there to Cane Hill, Arkansas.

Q When did you return? A After Peace was made; went on from Cane Hill south.

Q Have you any acquaintance with this alleged party to this suit, Martha Albert; are you acquainted with her? A No, sir.

Q Don't know her? A Don't know her at all.

Q How long have you lived in the Cherokee Nation now since your return from Cane Hill; was that the place you went to? A Went from the Nation to Cane Hill and from Cane Hill went south in the Choctaw Nation.

Q Then when did you return from the Choctaw Nation to the Cherokee Nation? A Returned in '87.

Q At what point? A Back at the old home place in Going Snake district.

Q You have lived here continuously ever since? A Yes, sir.

Q Were you extensively acquainted with the colored people in and around, or rather in Going Snake district? A Yes, sir.

Mr. Hastings: Now as I understand you, Mr. Whitmore, you stated that you remember all of the slaves that were of your age and older, but those that you don't remember were those that were younger or smaller? A Yes, sir; I remember some that were younger than I was, than that I called a good while ago.

Q You are positive your father didn't own a slave by the name of Nancy? A No, sir, none that I know of, there wasn't any slave on the place, and I believe I am sure of all of them.

Q Are you positive your father didn't own a girl older than yourself named Martha? A No, sir, wasn't any in the place named Martha.



J. W. ALBERTY, being duly sworn by Commissioner Needles, testifies as follows:

Mr. Hastings: What is your name? A J. W. Alberty.

Q Mr. Alberty, what is your age? A Well, I am 67 years old.

Q What is your postoffice? A My postoffice is Westville, Indian Territory.

Q What district do you live in? A I live in Going Snake district.

Q You a Cherokee by blood? A Yes, sir.

Q Mr. Alberty, where did you live in the Cherokee Nation before the war? A In Going Snake district.

Q Near where you now live? A Yes, sir.

Q Did you know Johnson Whitmire? A Yes, sir.

Q Did you know him before the war? A Yes, sir.

Q How far did you live from him? A Well, it was about ten or twelve miles, I reckon we called it.

Q Did you know his family? A Well, yes I knew his family.

Q This witness here before, named Watt Whitmire, was he a son of Johnson Whitmire? A Yes, sir.

Q I will ask you if you were acquainted with a colored man by the name of Charles Boland before the war? A Yes, sir, he was a mixed blood, free.

Q I will ask you if you knew a colored woman by the name of Nancy Whitmire, alleged to have belonged to Johnson Whitmire before the war? A Yes, sir, I knew her.

Q Now, if you know what became of Nancy Whitmire and Charles Boland I wish you would make a statement to the commission? A The Whitmire boys sold Nancy to a man named Dillingham, and he moved right across the line from where I lived, five or six miles, and owned them there until he moved off to Texas, Charles Boland and Nancy; I knew them better after Dillingham got them than I did before.

Q Who sold them to Dillingham? A The Whitmire boys, George Whitmore and Johnson Whitmire; they were brothers and they sold them at the time they divided up the property.

Q Now about how long before the war was that they sold them, about what year? A I reckon it must have been in '47 or '8, I haven't got the dates, I wasn't expecting anything of this kind, and I didn't get the dates, but it must have been in '47 or '8.

Q What was Dillingham's citizenship? A He had none.

Q Was he a white man or Cherokee or what? A He was a white man and lived in the state.

Q What state? A Arkansas.

Q Lived across the line in the State of Arkansas? A Across the line, yes, sir, in the State of Arkansas.

Q Do you know what finally became of him out there? A Mr. Dillingham, in about '50 or '51 moved to Texas and carried the family, and Boland went with them, he was free but he followed this family off to Texas.

Q Do you know whether he had Nancy for a wife or not? A Yes, Boland had this Nancy for a wife, and claimed the family, and when Dillingham carried the family off he went with them.

Q How far did this man by the name of Dillingham live from you?

A About five or six miles.

Q How how far did you live from the Cherokee line up there?

A Well about that time I only lived about half a mile, right at it.

Q On the west side of the Cherokee and Arkansas line? A On the west side of the Cherokee line.

Q And Dillingham lived on the Arkansas side? A On the Arkansas side, just over near what is called Dutch Town or S-lam.

Q He laid no claim to Cherokee citizenship? A No, sir, not a bit; he had a son that was adopted, but the old man had none.

Q Did I believe you stated that about '50 Dillingham carried these people to Texas? A He carried them to Texas.

By A. S. Murphree: I understand you to say Johnson Whitmire sold Nancy? A Yes, sir.



Q Nancy Sheppard then did belong to Johnson Whitmire? A Yes, sir, she did belong to Johnson Whitmire; there were two brothers of the children, George and Johnson Whitmire, and they owned an interest in them and they both sold their interests.

Q About what year was that? A Well sir, I can't positively say, but it was in or about '47 or '8; I have nothing to guide me by.

Q Do you know Martha, the child of Nancy? A No, sir, they were all small when they went off, I don't know any but a boy they called Ellis; Billingham brought him back with him just a little while before the war came up.

Q Did Nancy have children when Johnson sold her? A Yes, sir.

Q Did he sell the children with her? A Yes, sir.

Q Nancy's whole family was sold? A The whole family went, yes sir.

By A. S. McRea: Mr. Alberty, where do you live? A I live in the eastern part of the Cherokee Nation here.

Q And you say Johnson Whitmire sold Nancy, the alleged mother of the applicant, Martha Albert, in 1847? A I didn't say the time he sold her, because I don't know that, he sold Nancy, Charles Boland's wife to Billingham, and the children, but I don't know nothing about Martha at all, I didn't say the mother of her, but if she is the daughter of Nancy, why she --

Commissioner: Was sold with the balance, was she? A Yes, sir, sold with the balance; the whole family was sold.

A. S. McRea: To whom did you say they were sold? A Billingham.

Q Where did he live? A He lived in Texas.

Q Do you know of your own knowledge that this woman, Nancy, went to Texas? A Yes.

Q How do you know that? A I saw them start.

Q Did you see them arrive? A I didn't see them arrive in Texas, but I saw them start on the road.

Q Do you know whether or not, of your own knowledge that they arrived there? A No, sir, I can't say that, ~~however~~ but I guess from all the circumstances they did.

Q What fixes it on your mind so very definitely that they were sold in '47? A Well, just as I said before, I said I wasn't positive about that, but it was in or about that time.

Q For how much was she sold? A Well I can't exactly say now what they did bring, because they got some horses and some cattle and some money.

Q How many horses? A I can't answer that question.

Q How many cattle? A I don't know.

Q How much money? A Well, I don't know that that would amount to anything, because it was satisfactory to them.

Q You say they were sold and we want to know what was the status of the sale? A Well I don't know the amount that they got for them, I can't say.

Q Did you see any money exchanged? A No, sir, but after that they changed hands, the darkies went.

Q It is true, they could possibly have changed hands without any sale? A Well hardly them days.

Q Then in so many words, you don't know whether that was a bona fide sale or not of your own knowledge? A Well, of my own knowledge, I would have to say it was a bona fide sale, or else he wouldn't have taken them out of the Cherokee Nation.

(Foregoing answer read by stenographer at request of attorney for applicant.)

Witness: Yes, sir.

McRea: He said you would suppose it was a bona fide sale.

Commissioner: Was that your answer?

Witness: A Yes, sir.

Commissioner: How long after the sale was it before Mr. Billingham ~~came~~ to Texas? A It must have been 2 or 3 years, they lived right there close neighbors to us two or three years after that.

- 5 -  
bought them.

Q With whom? A With Dillingham, in the State of Arkansas.

Q Then when the sale was made Dillingham at that time was living in Arkansas? A Yes, sir.

Q Is your first statement that he was living in Texas correct, at the time of the sale? A No, sir, I didn't make that, he was living in Arkansas and moved to Texas, I said, in about '50 or '51 and taken them with him in about '50 or '51.

McRea: I would like to examine the face of the record.

Commissioner: The record shows for himself. If the witness contradicts himself the record shows it. I think the witness did state when you asked him where Dillingham lived, that he lived in Texas, but you didn't specify the exact time when he lived, but the witness stated plainly now at the time Dillingham bought the slaves he lived in Arkansas and moved to Texas a few years after.

McRea: Did you ever see Nancy Whitmire any more? A Well, I never saw her after he moved off to Texas with her.

Q Are you acquainted with Martha Albert, the applicant in this behalf? A No, sir.

Commissioner: You don't know Martha at all then? A No, sir: well there were several children, but I don't recollect their names; there were several children then only they were small.

Q You have never seen the averred mother of Martha, Nancy, after Dillingham took her to Texas? A No, sir.

McRea: And you don't know whether or not this woman, Martha, was one of the number of these children that accompanied the mother, Nancy, to Texas or not? A No, sir, I don't.

Commissioner: Did Nancy have children to your recollection?

A Yes, sir.

Q You don't recollect how many? A Well, no I don't, there was three or four, four children, there might have been more and might have been less.

Q Know whether they were boys or girls? A There was one boy.

Mr. Hastings: I believe you states that these children that she had went with her? A Yes, they all went with her.

McRea: About what was the age of these children? A Well, they were small, they were not very large.

Q : 4, 5, 6 ~~and~~ or 10 years, something like that? A Well, he must have been 6 or 7 or 8 years old, maybe 10, I can't state that.

Q Was that a girl or a boy? A I think the oldest one was a girl.

Commissioner: This testimony will be made part of the testimony in the cases, D-99, D-100, D-101, D-102, D-103, D-104, D-105, D-114, D-150, D-151, D-152, D-146, D-182.

Attorney McRea for applicant objects to testimony being filed in the case of Robert Barnes et al., and the objection is overruled.

\*\*\*\*\*

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and correct transcript from his stenographic notes thereof.

*Bruce C. Jones*

Sworn to and subscribed before me this 5th of September, 1901.

*W. D. Greer*  
Commissioner

COMMISSION TO THE FIVE  
CIVILIZED TRIBES  
DEPARTMENT OF  
INTERIOR

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in the case of the ~~above~~ and the referred cases, that  
the Cherokee Nation desires to introduce testimony in them  
on Friday, the 13th inst., between the hours of eight in the  
morning and five in the afternoon.

Hence: The applicant will on said date introduce ad-  
ditional testimony in the case at bar.

Commission: This testimony will be filed in the follow-  
ing Cherokee Freedmen cases: D-42, D-146, D-182, D-99,  
D-100, D-101, D-102, D-103, D-104, D-105, D-114, D-150, ..  
D-151, D-152.

\*\*\*\*\*

Bruce C. Jones, being duly sworn, says that as stenographer to  
the Commission to the Five Civilized Tribes, he correctly recorded  
the proceedings and testimony in the above case, and the foregoing is  
a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this the 13th of September, 1901.

Commissioner.

File with Cherokee Freedman D- 182, Maggie Bell.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Fort Gibson, I.T., September 11, 1901.

In the matter of the application of Martha Albert et al. for  
enrollment as Cherokee Freedmen.

Supplementary evidence introduced on behalf of applicants.

Appearances:

- A. S. McRea, attorney for applicants;  
W. W. Hastings, of counsel for Cherokee Nation.

The Commission: Now Mr. McRea, state briefly what you  
desire to prove by this witness.

A. S. McRea: Applicant desires to offer testimony in  
behalf of herself et al., by Sam Barnes, showing that mother  
of applicants did return to the Cherokee Nation within the  
time of the treaty stipulations, and that so far as the sale  
of she and her mother to one Billingham, it is untrue.

The Commission: When you speak of the applicant, I sup-  
pose you mean Martha Albert?

McRea: Yes, Martha Albert and others.

Mr. Hastings: The Cherokee Nation objects to the ap-  
plicant being allowed to introduce any testimony in this  
case on the question of the return of any of the applicants,  
for the reason that applicants introduced their testimony  
on both ownership and return, and the Cherokee Nation intro-  
duced testimony on both, and the only testimony which can  
legally be introduced by the applicant now as testimony in  
rebuttal of new matter brought out by the Cherokee Nation in  
its testimony.

The Commission: The objection of the Cherokee Nation  
will be noted.

S. B. BARNES, appearing before the Commission and being duly  
sworn and examined, testified as follows:

A. S. McRea: Give us your name, Mr. Barnes? A S. B. Barnes.

Q Your age? A About 57, going on 58.

Q Postoffice address? A Benge.

Q Mr. Barnes, are you acquainted with the applicant, Martha  
Albert? A Yes, sir.

Q How long have you known her? A I have known her going on 37  
years.

Q Do you know whether or not she was a slave in the Cherokee  
Nation before the war of the rebellion?

Mr. Hastings: I object to that, both because the very  
testimony itself shows that he didn't know that; said he  
hain't known her but 37 years.

Commissioner: Ask him the question.

Q Where was she when you first knew her? A She was down here  
right close to Cherokee.

Q Where is that? A That is down right on the line, at the Chero-  
kee Junction.

Q Was that in the Cherokee Nation? A Yes, sir.

Q Did you know her mother? A Yes, sir.

Q What was her mother's name? A Nancy.

Q How long had you known the mother? A I got acquainted with  
her in '68.

Q Where was she when you first met her? A I met her down here,

in the Cherokee Nation? A Yes, sir.

Q Did you know whether or not they went out of the Cherokee Nation?



or not?

Mr. Hastings: He says he never met them till '64 and '65; you ought to know that he can't testify to that.

McRea: He might have heard; we have been taking hearsay testimony.

Commission: Answer the question.

A I don't know.

Q Did you ever hear of the mother of your wife, Sarah Barnes, having been sold to a man by the name of Billingham?

Mr. Hastings: Objected to by the Cherokee Nation on the ground of hearsay.

Commission: Ask him if he knows.

Q Do you know? A No, sir, I don't know it.

Q Did your wife ever tell you they were sold.

McRea: What his wife told him is admissible.

Mr. Hastings: Objected to by the Cherokee Nation on the ground that it is clearly inadmissible, it being hearsay testimony, and a declaration in interest of the party.

Commission: Let him answer the question.

Q Did your wife ever tell you whether or not she and her mother were sold to Billingham of Arkansas? A No sir, she never did.

Q I will ask you if you and your wife ever had any conversation pertaining to her citizenship?

Mr. Hastings: Objected to by the Cherokee Nation for the reason that it is clearly hearsay and inadmissible.

McRea: That is not hearsay testimony.

Commission: I will let him answer the question.

Mr. Davenport, Cherokee attorney: I will object on the ground that he can't testify for or against his wife, under the rules of law. I think I recollect that the Commission has served notice that it would follow the ordinary rules of evidence.

McRea: The Commission served notice that it would not confine itself to the different rulings and technicalities of law in trying testimony in this matter.

Commission: Go on with the examination, Mr. McRea.

(Question read to witness by stenographer.)

A Why of course, she met the John Chambers Court at Tahlequah.

Q Where did you marry your wife? A Marry her; we were engaged here in the Cherokee Nation but we were married at Fort Smith.

Q She was living in the Cherokee Nation when you courted her?

A Yes, sir.

Q Now when did you marry her? A I married her in November, '66.

Mr. Hastings: Where did you live before the war? A I lived in Texas.

Q What county? A Pannin County.

Q What was your owner's name? A Higginbotham.

Q What was his first name? A Thomas Higginbotham.

Q What was the nearest town to you? A Bonham.

Q Did you know Jerry Stuart down there? A No, sir.

Q Did you see your wife down there? A No, sir.

Q You didn't? A No, sir.

Q Did you see Nancy Whitmore, or Nancy Boland, down there? A No, sir.

Q See Martha Albert? A No, sir.

Q How old are you? A I have turned 58 years old.

Q What is your father's name? A My father, Bob Barnes.

Q When did you leave Texas? A I left Texas directly after the war ended.

Q Well, did you make a crop down there the year the war ended?

A I wasn't big enough, I didn't make no crop.

Q Who were you living with? A I was living with my old mistress.

Q She wasn't a Cherokee? A No, sir.

Q Well, did you make a crop with your old mistress, or for her,

Mr. Hastings: A Yes, sir.



McRea: I object to all that: it is irrelevant to the question at issue.

Commission: Answer the question.

Q You made a crop for her you said? A Yes, sir.

Q The year the war ended? A Yes, sir.

Q How then you stayed there then that year? A I last there just as the war was up.

Q I thought you said you made a crop there? A I did.

Q Then you laid that crop by, did you? A The war came to an end in the spring of '65 if I understand anything.

Q Well, how did you come to leave Texas and who did you go with?

A I come by myself.

Q Just alone? A Yes, sir.

Q Come afoot? A No, sir.

Q How did you come? A I had a horse.

Q Well, where did you come to? A I come to Fort Smith.

Q You had never been to Fort Smith before? A No, sir.

Q You had never heard of Fort Smith in your life before? A Oh yes sir, I hadn't been dead I don't reckon, I was a man.

Q How far below Fort Smith did you live when you lived in Texas?

A From Fort Smith?

Q Yes? A You mean just out on the river?

Q In Texas? A It is about 300 miles.

McRea: I object to that, the question is misleading in its nature, and I object to it.

Commission: He has already answered the question.

Q You came direct to Fort Smith? A Yes, sir.

Q Who did you work for there? A I worked for Bill Belt, five miles out south of town.

Q How long did you work for him? A I worked there a couple of weeks, or about a week, or couple of weeks.

Q Then where did you go? A I crossed over here in the Cherokee Nation.

Q What induced you to leave down there and leave your folks and go to Fort Smith at that time? A Just because I had a notion to go to Fort Smith.

Q Then what induced you to leave Fort Smith after being there only two weeks and go over on the Nation side? A Just because I wanted to go.

Q You didn't know anybody ever there, did you? A No sir.

Q You had never seen a soul? A Of course I had seen people.

Q You had never seen one of them over there at Fort Smith?

A Not from across the Cherokee Nation side, across the river; why I saw people down in Fort Smith out of the Cherokee Nation.

Q Who did you meet that lived on this side of the river, at Fort Smith? A I met Tom Stoneroad and Mrs. Franklin, I don't know how many people I didn't meet.

Q Whose place did you go to on this side of the river first? A I was at Mr. Stoneroad's place the first place I was at, right on the line.

Q How long did you stay there? A I didn't stay there but an hour or two.

Q Then where did you go? A I went back to town.

Q How long did you work there in town? A I don't know exactly how long.

Q A year? A I don't know exactly how long I worked in town.

Q 25 years? A I might not have worked there more than two hours, I don't know.

Q Don't know whether it was an hour or 25 years? A Yes, sir, I do know how long.

McRea: He has answered that he don't know.

Commission: Let him answer the question.

Q About how long? A I worked there two or three different times.

sometimes I would be in town a week and sometimes not but a day or two and sometimes two or three days.

Q Where were you making headquarters, or home? A I made headquarters sometimes out at Mill Bolt's and after that I worked for Tom Stonerod was right on the lip of the Cherokee Nation.

Q How long did you say a while ago you had been married? A I said I married in November, '66.

Q How many years did you say that was? A I didn't say nothing about the years.

Q She married you? A I was married by the clerk.

Q What was his name? A I don't know his name.

Q Clerk of what court? A Clerk of the court there, at Port Smith.

Q On the Arkansas side? A Yes, sir.

Q You got a license over there, and he married you? A I think I got license.

Q Now what is your full name? A Sam Barnes is my full name.

Q What is your wife's name? A Her name was Jennie.

Q Jennie what? A Jennie Boland.

Q She is a sister to Martha Albert? A Yes, sir.

Q Younger than Martha? A Yes, sir.

Q Have you ever been married before? A Yes, sir, had been married twice before.

Q Where had you been married? A In Texas.

Q What was your first wife's name? A Anna.

Q She dead? A Yes, sir.

Q What was your second wife's name? A Name was Mandy.

Q What year was it they had that investigation, that Chambers Court you speak of? A That was in '78.

Q Was your wife admitted or rejected? A Must have been rejected by us having to be here.

Q Did you make a statement up there before that Court? A Yes sir.

Q You never saw your wife before the war? A No sir.

McRea: Did you see the mother, Nancy Boland, of your wife and Martha Albert, here in 1866? A I seen her here, yes sir.

Q In the Cherokee Nation? A Yes, sir.

Q Is she living now? A Who is that?

Q The mother, Nancy Boland? A Oh no, she died in '66.

Q Where was she buried? A Buried on this side the river there somewhere.

Q In the Cherokee Nation? A Yes, sir.

Q Did you see the father, Charles Boland I believe was his name? A Yes, sir.

Q In '66 here in the Cherokee Nation? A Yes, sir.

Q Is he alive now? A No, sir, he is dead.

Q When did he die? A He died in '72.

Q Where was he buried? A He is buried on Lees Creek.

Q In the Cherokee Nation? A Yes, sir.

Mr. Hastings: On whose place is Nancy Boland, the mother of Martha Albert and sister of your wife, buried; who owns that place now?

A She was buried at what was called the Jack Campbell graveyard, my wife.

Q This Nancy Boland, where is she buried? A She is buried I think at Mrs. Franklin's graveyard.

Q Do you know it? A That is where I was told she was buried.

Q What time did she die? A She died in '66.

Q Spring, summer or fall; before you married or after? A Just before I married.

Q Did you ever see her? A Seen her many a time.

Q In Texas? A No sir, never even been in Texas.

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Mr. Hastings: Notice is hereby served on the attorney

in the case of Martha Albert and the referred cases, that the Cherokee Nation desires to introduce testimony in them on Friday, the 15th inst., between the hours of eight in the morning and five in the afternoon.

Motion: The applicant will on said date introduce additional testimony in the case at bar.

Commission: This testimony will be filed in the following Cherokee Freedmen cases: D-42, D-148, D-182, D-89, D-100, D-101, D-102, D-103, D-104, D-105, D-114, D-150, D-181, D-182.

\*\*\*\*\*

Bruce O. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce O. Jones

Sworn to and subscribed before me this the 13th of September, 1901.



Commissioner.

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Q And that he still lived there until the war closed and moved back, but I never was acquainted with him until '59 or '60.

Q Well, did he say when they went to Texas? A No, sir, I don't remember.

Q Well, as to the war, before the war? A It must have been before the war.

Q Did he say that his wife and children were sold? A I think he did, I won't be positive about that, but I think he did. I remem-

ber one thing he told me, he was mighty jockey and working for us there picking cotton and chopping cotton and talking about his wife

and doing down there in Texas, and that's all I can think that I know. I asked him you come from down here in Texas, and he spoke

about his wife and children being sold out, and if I mistake not, he told me before the war they were sold out, I won't be positive

about that, but it seems to me that he did, and then at the close of the war, or after the war a while, he come back, but I don't remem-

ber anything about the time, date, I never was acquainted with him until '59, we made a crop there that year and now come up to get

acquainted with him. Is what I say, I had rented that place of Joe Purdue's on the creek and we made a crop there that year, and I made a crop there in '60.

Q Well, did you ever hear Martha Albert say anything about her whereabouts, where she came from? A Well, she claimed, in I under-

stand it, she claimed that she come from Texas.

Q Do you remember whether you ever heard Jennie Laney saw anything about where she come from? A I never heard Jennie Laney say

anything about it, she was not about our house, but these others they worked for us a great deal.

Q Do you remember whether William made any statement as to who his wife formerly belonged to before in this country before the war?

A I just don't remember.

Mr. McNeal: I object to that.

Commissioner: Your objection will be noted.



File with case of Maggie Bell, C.F.-D.#182.  
Expl. C.F.-D.#42.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
FORT GIBSON, I.T., SEPTEMBER 17, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of  
MARTHA ALBERT, et al., as Cherokee Freedmen, introduced on the  
part of the Cherokee Nation.

APPEARANCES:

W. W. Hastings, Attorney for Cherokee Nation;  
A. S. McKee, Attorney for applicants.

J. W. HUGHES, being duly sworn, testified as follows on  
part of the Cherokee Nation. BY MR. HASTINGS:

- Q What is your name? A J. W. Hughes.  
Q Post office? A Boley.  
Q What is your age? A 33.  
Q Are you a citizen of the Cherokee Nation? A Well my wife and children are, I wasn't married according to the Cherokee laws.  
Q When were you married? A I was married in '69, July, '69.  
Q Where did you live that year after you were married? A I lived in the Indian Territory on Joe Purdue's place on Webber creek, in a mile and a half or two mile beyond Big Lees creek.  
Q That is in Sequoyah district? A Yes, sir.  
Q And about how far from Fort Smith, Arkansas? A Well, according to the line straight through, about eight miles.  
Q Do you know Colly Albert, a colored man? A Yes, sir, I was acquainted with him there.  
Q Were you acquainted with his wife, Martha Albert? A Yes, sir.  
Q Did you know Martha Albert's father? A Yes, sir, that is what they claimed to be her father.  
Q Well, what was his name? A His name was Boldan, I could not tell you what his given name was. He claimed his name was Boldan.  
Q Well, he was recognized there as the father of Martha Albert?  
A Yes, sir.  
Q Did you know Martha Albert's sister, Jennie Barnes?  
A Yes, sir, I was well acquainted with them, lived in a half mile of them about four years.  
Q Did these children do any work for you in these early days, '69 or '70? A Well, in the year of '70 when I was living there on the place they were living a quarter or half a mile below me, I rented a place from Joe Purdue and they were living joining that place, and I hired them to chop cotton for me and also to pick cotton and work, and do some other work making rails and fixing fence, and I worked there with them two or three years; they worked for me.  
Q Did you ever have any talk, or hear any members of this family make any statement as to where they came from and their whereabouts prior to that time? A I have heard Boldan and his daughter, Colly Albert's wife, I never have heard Colly speak anything concerning it as I remember at this time.  
Q Well, from Boldan or Colly's wife, Albert? A I heard Boldan.  
Mr. McKee: I object to anything Boldan said.  
Commissioner: Note the objection and answer the question.  
A I heard him saying he was in Texas; he claimed himself to be part Cherokee, if I mistake not, and that he was not a slave; he claimed that he was not but his wife and children seems to me he had two children, and they were sold out of love and was carried to Texas by somebody, and I don't remember just who he said carried them away, but the best I remember about it that he had two children, Martha and Jennie, two girls. If I mistake not, as near as I can possibly think of it not at the present, and that he went along for his children's sake and that I cannot understand from his talk.



and that he still lived there until the war closed and moved back, but I never was acquainted with him until '69 or '70.

Q Well, did he say when they went to Texas? A No, sir, I don't remember.

Q Well, as to the war, or before the war? A It must have been before the war.

Q Did he say that his wife and children were sold? A I think he did, I won't be positive about that, but I think he did. I remember one thing he told me, he was mighty jokey and working for me there picking cotton and chopping cotton and talking about his ups and downs down there in Texas, and what makes me think that you know, I asked him you come from down here in Texas and he spoke about his wife and children being sold out, and if I mistake not, he told me before the war they were sold out, I won't be positive about that, but it seems to me that he did, and then at the close of the war, or after the war a while, he come back, but I don't remember anything about the time, date; I never was acquainted with him until '69, we made a crop there that year and how come me to get acquainted with him is what I say, I had rented that place of Joe Purdue's on the creek and we made a crop there that year and I made a crop there in '70.

Q Well, did you ever hear Martha Albert say anything about her whereabouts, where she came from? Well she claimed, if I understand it, she claimed that she come from Texas.

Q Do you remember whether you ever heard Jennie Barnes saw anything about where she come from? A I never heard Jennie Barnes say anything about it, she was not about our house, but these others they worked for me a great deal.

Q Do you remember whether Boldan made any statement as to who his wife formerly belonged to up here in this country before the war?

A I just don't remember.

Mr. McRea: I object to that.

Commission. Your objection will be noted.

A It seems to me that she was a whitewire, I won't be positive about that now

MR. McREA: Mr. Hughes, you say your first acquaintance with Martha Albert and her family was in '69 or '70? A First acquaintance was '69, and in the fall of '69.

Q You knew nothing of them before that? A No, sir, I did not know them before '69, I could not tell you just what time of the year, but it must to have been, the best knowledge I have about it now, was in '69, and what makes me think so I was married in '69, in July.

Q When was the last time you saw Martha Albert? A I suppose it must have been two or three years ago the last time I remember seeing her, two or three years ago.

Q Did you ever give testimony in this matter before?

A I never have, never was called on.

Commission: This testimony will be made a part of the record in the following cases: D.#42, D.#146, D.#182, D.#99, D.#100, D.#101, D.#102, D.#103, D.#104, D.#105, D.#114, D.#150, D.#151, D.#152.

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J. O. Rossen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this September 18th, 1901.

Commissioner.

**FILED**

MAY 19 1905

COMMISSION TO FIVE TIMES.

Cherokee Freedman-R-418 to 431.  
both inclusive.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskegee, Indian Territory, April 27, 1905.

In the matter of the application for the enrollment of  
Martha Albert et al, as Cherokee Freedman.

It appears from the records of the Commission that on  
the 11 day of January, 1904, the Commission rendered a decision in  
the above case, denying all the applicants therein, which decision  
of the Commission was approved by the Secretary of the Interior on  
June 21, 1904. It further appears that on March 25, 1905, this  
application was remanded by the Secretary of the Interior for further  
hearing.

Now on this, the 27th day of April, 1905, the applicants  
appeared in person and by their attorneys, Neal & London. The  
Cherokee Nation represented by Bell, Hastings & Davenport.

Witness for applicants.

A. J. Alberty, being duly sworn, testified as follows:

MR. NEAL:

- Q. What is your name? A. A. J. Alberty.  
Q. Where do you live? A. Near Stilwell.  
Q. How long have you lived in the Cherokee Nation? A. I was  
born there.  
Q. How old are you? A. About 60 years old.  
Q. You are a Cherokee by blood? A. Yes sir.  
Q. Were you acquainted with Johnson Whiteside before the war? A.  
Yes sir.  
Q. How far did you live from him before the war? A. I guess a  
couple of miles.  
Q. Were you acquainted with his slaves? A. Yes sir.  
Q. Do you remember anything about his selling some slaves into  
Arkansas some time before the war? A. Yes sir.  
Q. To whom did he sell these slaves? A. A man by the name of  
Billingham.  
Q. Do you know whether there was a slave named Nancy sold to that  
man? A. I think so.  
Q. Do you know this applicant? A. Yes sir.  
Q. Did you know her before the war? A. Yes sir.

- 2-
- Q. To whom did she belong previous to the Rebellion? A. Johnson Whitmire.
- Q. Was he a Cherokee Indian? A. Yes sir.
- Q. Was she sold by Whitmire previous to the Rebellion? A. Yes sir, I think she was.
- Q. Do you mean this applicant? A. No sir.
- Q. Did he have two slaves by the name of Martha? A. Yes sir, one was called big Martha and the other little Martha.
- Q. Which one was sold? A. Big Martha was sold.
- Q. Was this one little Martha? A. Yes sir.
- Q. Was she sold? A. No sir, the other one was sold to Dillingham.
- Q. Do you know who took her out of the Cherokee Nation when the war broke out? A. This one?
- Q. Yes? A. I think it was Cornelius Wright.
- Q. Was he the boss who took the Whitmire niggers out? A. Yes sir.
- Q. Did you, at any time during the war or at the close of the war, see this applicant anywhere, and if so, where? A. After the close of the war I was down there in the Choctaw Nation on Red River, and I learned from the Choctaws that there were a lot of refugees there. I looked out for them, and found some of the Whitmire slaves.
- Q. Was that in the Choctaw Nation? A. Yes sir.
- Q. When was it? A. I think, to the best of my knowledge, that it was in the fall of '65.
- Q. Do you know of your own knowledge when she returned to the Cherokee Nation? A. No sir, I don't.
- Q. What was this woman's mother's name? A. She went by the name of Nancy.
- Q. What was the name of the other Martha Whitmire's mother? A. I think her name was Dicy.
- Q. Her name was Dicy Whitmire before she was sold by Whitmire? A. Yes sir.
- Q. Was her name Dicy Whitmire or Dicy Shepherd? A. They always went by the name of their master.

MR. HASTINGS:

- Q. When is your birthday? A. I think it was about '43, but I aint right sure about it.
- Q. You have never had a birthday since? A. No sir.
- Q. You didn't have one last year? A. Yes, my birthday comes around, I guess.
- Q. When was it? A. In August of '43, I think it was.
- Q. But you are about 40 years old? A. Yes sir.
- Q. Do you remember about the year that Dicy, the mother of Martha, was sold to Dillingham? A. It was two or three years before the war.
- Q. Who else was sold at the time Dicy was sold to Dillingham? A. There were two or three children.
- Q. What were their names? A. One of them was called Martha.
- Q. Where did you live at the time? A. Right up above Whitmire's up in Going Snake District.
- Q. Watt Whitmire lived there with his father didn't he? A. If he did he was very young.
- Q. You say it was only three or four years before the war? A. Well, I don't know his age.
- Q. Was did you get a letter from about a week ago to hunt up testimony in this case? A. I didn't get one from nobody.

- Q. Did you ever get one from anybody with reference to hunting up testimony in this case? A. I saw Mr. Rogers.
- Q. What Mr. Rogers? A. That man over there behind Mr. Neal.
- Q. What interest did he have in the case? A. I couldn't tell you. He just asked me to go over there and see if I could find anybody that knew these people.
- Q. Who did you go to ask? A. Mrs. Susie Walkingstick.
- Q. What interest did you have in going around over the neighborhood asking people if they knew about the people in this case? A. They had asked me to do it as a favor.
- Q. Did you have any interest in the case? A. No sir.
- Q. How many slaves did Johnson Whitmire have when the war came up? A. I don't know --- several.
- Q. Let's have the names of some of them? A. One was called Dicy, One Nancy, Emma, Rachel. I believe that is all I know the names of. There were several more, but I don't remember their names.
- Q. How far did Jack Alberty live from Johnson Whitmire? A. About 8 miles.
- Q. How far did Jeff Tik-nee-sky live from Johnson Whitmire? A. About three or four miles.
- Q. Do you swear that Johnson Whitmire owned this slave and her mother when the war came up? A. Of course he owned them.
- Q. You will swear that? A. Of course I will.
- Q. And he owned her mother at that time? A. Yes sir.
- Q. Was she very old? A. Not very.
- Q. Did she have any more children? A. I don't know. I wasn't that well acquainted with her. I was over there a good deal, but I didn't know about her business.
- Q. Don't you know whether she had any other children besides this Martha? A. I don't know.
- Q. Didn't she have one older than Martha? A. I don't know.
- Q. And didn't she have two younger than Martha? A. I don't know.
- Q. But you knew Nancy and Martha? A. Yes sir, but I met them out on Red River after peace was made, and that is how I knewed so much about them.
- Q. You didn't know that she had a brother or any sisters? A. She had some brothers I guess.
- Q. What were their names? A. One went by the name of Nelson, one was Aaron, and one was Lewis.
- Q. Who did they belong to? A. I think they were kinder in partnership between Johnson Whitmire and George Whitmire.
- Q. Did you know the father of Johnson and George Whitmire? A. No sir.
- Q. He died long before the war, didn't he? A. I guess so. I never knew him at all.
- Q. When did Willingham get Dicy? A. I don't know about that.
- Q. Who took this applicant and her mother south? A. Cornelius Wright.
- Q. Is that Cale Wright's father? A. Yes sir.
- Q. Then Cale Wright would know about that? A. I guess he would.
- Q. How do you know they went south with Cornelius Wright? A. They told me so.
- Q. How old was this applicant when the war came up? A. I could not tell you. I was about 18 years old, and she wasn't as large as me.
- Q. Was she five years old? A. I don't know.
- Q. Was she three? A. I don't know.
- Q. Was she two? A. I have no idea about her age.
- Q. Do you mean to tell this Commission under oath that you knew this particular girl and yet can't tell whether she was 18 or two years of age? A. She was over two.



- Q. What is your best judgment, if you are going to tell the truth?  
A. I guess she was 13 or 14 years old.
- Q. You say she went south with Cornelius Wright? A. Yes sir.
- Q. Did Cale go with his father? A. I don't know whether he did or not.
- Q. Weren't you in the neighborhood? A. No sir, I was a soldier.
- Q. Who was the reputed father of this applicant? A. I never knew him.
- Q. Did you ever know of a free nigger by the name of Charley Howland? A. No sir.
- Q. He didn't live around there? A. He might have, but I didn't know him.
- Q. He didn't go over with Dillingham? A. I don't know.
- Q. You would have known it if he had? A. I might not have seen them when they left, but just heard of it.
- Q. You know that Dickey went off with Dillingham? A. Yes sir.
- Q. and she had a child by the name of Martha? A. Yes sir.
- Q. And you swear that this Nancy and her child Martha were living there with Johnson Whitmire in Going Snake District when the war came up? A. Yes sir.
- Q. And yet, you do not know how old she was? A. I guess she was 13 or 14 years old.
- Q. How long was it immediately before the war that you saw this child at Johnson Whitmire's? A. I was around there several times, and I don't know just when was the last time.
- Q. When was the last time you were at Johnson Whitmire's before the war. A. I couldn't tell you that.
- Q. You must tell us what is your best judgment. You are under oath now? A. In those days I didn't keep any account of my whereabouts. I was a young man and didn't keep any account.
- Q. Were you in the country when the war came up? A. Yes sir.
- Q. How long before the war came up was it that you were at Johnson Whitmire's? A. Just a short time.
- Q. How long was it before the war that you saw Nancy at Johnson Whitmire's? A. I couldn't tell you.
- Q. Was it ten years? A. It might have been.
- Q. It might have been 15 years? A. It might have been.
- Q. You are not going to be positive on that point? A. No sir.
- Q. It might have been as much as four or five years before the war that you last saw Nancy and this child at Johnson Whitmire's? A. It might have been a year or six months.
- Q. When you were at Jeff Tik-nee-sky's you didn't know anything about these people? A. Yes I did.
- Q. Did you tell him that you knew them -- that you knew this applicant's mother? A. Yes sir.
- Q. Did you tell Jeff what you have told on this stand? A. I told him that I knew of one being named Nancy, and I told him the other one, I told him of the one that Dillingham took out -- that that one was called Dicy and her daughter was called Martha.

MR. NEAL:

- Q. Did you go into the army when the war first broke out? A. Yes sir.
- Q. Were you around there until you went off to soldiering? A. Yes sir.
- Q. Then you were in that neighborhood until the war broke out? A. Yes sir.
- Q. In your cross examination you told Mr. Hastings that it might have been 10 or 15 years or six months that you lived within two miles of Johnson Whitmire and didn't go down there. Do you mean that you lived there that long and didn't go about his

- place? A. Yes sir.
- Q. Then you don't know whether you stayed there five years before the war or not? A. No, I couldn't tell you how long it was. I was over there now and then.
- Q. Every four five years or what? A. Maybe every two or three weeks.
- Q. Were you over there every two or three weeks before the war broke out? A. Yes sir, maybe it would be a month.
- Q. Do you mean to say that before the war broke out you were over there every three or four weeks or every four or five years? A. It was a short time.
- Q. Were you over there every week or two or every year or two? A. Every week or two.
- Q. When you said you didn't know how long it was, you meant that you didn't know how many days it was before you went to the army? A. Yes sir.
- Q. Did you see Nancy within a month or six weeks before you went away? A. Yes sir, I think so. It has been a long time ago and a man can't remember all of these things. Lots of things have slipped my memory.

MR. HASTINGS:

- Q. Wasn't Watt Whitmire, being a son of Johnson Whitmire, in a little better position to know what slaves his father had than you were? A. I guess he would. He knew them better than I would for he was with them every day.

COMMISSION:

- Q. When were you last at Johnson Whitmire's before the war broke out? A. I couldn't tell you exactly.
- Q. What is your best judgment? A. It might have been two or three weeks or a month.
- Q. Was it within a short time before the war broke out? A. Yes sir.
- Q. Do you state now as a positive fact that when you were there the last time, that you saw this applicant there? A. Yes sir.
- Q. The last time you were at Johnson Whitmire's before the war she was there? Do you state that as a fact, now? A. Yes sir, she was there, but she was never taken out of there.
- Q. Well, she was there or else she was not? A. Yes sir, she was there, but she never was sold out.
- Q. Were any of the other slaves there? A. Yes sir.
- Q. How often have you seen this witness since the war? A. Just one time -- then I saw her yesterday or the day before. I saw her out on Red River before '65.
- Q. Since '65 up to a couple of days ago you haven't seen her at all? A. No sir.

(Witness identifies his signature attached to an affidavit which is shown him.)

- Q. Are you willing to swear now, Mr. Alberty, that this woman, whom you haven't seen for forty years is the same woman that you saw at Johnson Whitmire's just before the war? A. Yes sir, I saw her out on Red River in '65, and she is the same one.
- Q. Had you haven't seen her since until a few days ago? He sir, I haven't.
- Q. In January of this year was your attention drawn to the fact

- about some Martha Albert --- about four months ago? A. Not that I knew of.
- Q. Do you remember this paper that I showed you a while ago? A. Yes sir.
- Q. Did you read that paper before you signed it? A. Yes sir.
- Q. Four months ago you swore before Mr. Rogers, a Notary Public, that you had known this woman all her life time, and now you state that from the time you saw her down on Red River, in '65, until a few days ago you didn't see her at all? A. I couldn't see her all the time.
- Q. It is a fact that you had not seen her since '65 until a few days ago? A. Yes sir, I hadn't.
- Q. Prior to that time you had signed this affidavit, hadn't you? A. Yes sir.

(Reference is made to an affidavit signed by the witness in the case of this applicant, signed January 10, 1905, before H. L. Rogers, Notary Public, and which is a part of the petition for a rehearing, addressed to the Department of the Interior and to the Honorable Commissioner of Indian Affairs.)

MR. NEAL:

I have one other witness, Martha Williams, who is the Martha that was sold by Johnson Whitmire to Dillingham. She lives at Warlton, and we sent a man down after her, and this morning I got a message stating that she is sick, and that a doctor's certificate has been procured. As soon as she is able to travel I would like to bring her up here and take her testimony. The testimony of this witness is important, because she is the Martha that belonged to Johnson Whitmire and who was sold out to Dillingham.

WITNESS EXCUSED.

Martha Albert recalled for additional cross examination.

MR. HASTINGS:

- Q. What is your name? A. Martha Albert now.
- Q. What was your father's name? A. Charley Rowland.
- Q. What was your mother's name? A. Nancy, but she was called Nannie when she was young.
- Q. How old are you? A. I think I am about 60 years old, but I don't know exactly. I am not educated and can't tell my age exactly.
- Q. Were you married before the war? A. No sir, I was just a little girl.
- Q. Were you married during the war? A. About the last year of the war.
- Q. Where? A. On Red River.
- Q. Who did you go south to Red River with? A. With Cornelius Wright's daughters.
- Q. Who took them? A. Cornelius Wright took them, and there was another lot went along. We all went together, but I was so small that I didn't pay much attention.
- Q. Did you know any of Cornelius Wright's folks? A. Yes sir, I knew Alf Wright, and about Jimmie, and Aunt Darcus.
- Q. Did Cornelius Wright have any children? A. Yes sir.
- Q. What were their names? A. I can't tell you, for it has been a long time ago, and I can't remember their names.

- Q. You can't recall the name of any one he had when the war came up? A. I can remember them, but I can't remember their names.
- Q. You can't remember the names of any of them that went south with you? A. No sir.
- Q. Where did Cornelius Wright live when the war came up, and about when you started south? A. On the other side of Barren Fork.
- Q. On which side of Barren Fork was that? A. On the north side.
- Q. How far from Barren Fork? A. I didn't go out there and measure it, Mr. Hastings, I was too young.
- Q. What was Cornelius Wright's wife's name? A. Her name was Sarah, I think.
- Q. Was she living when the war came up? A. It seems to me like she was dead.
- Q. How long had she been dead when the war came up? A. You must recollect that I was a child and don't remember lots of things. You must give me a chance the same as anybody else. You folks didn't give us niggers no education so we could know and remember things like that.
- Q. About how long before the war did Sarah Wright die? A. I don't know.
- Q. Will you swear that she didn't go south with Cornelius Wright? A. I don't know.
- Q. You are sure her name was Sarah? A. I said I thought it was. What did us niggers know about that. All we could call them was Mistress, and most always that was all we knewed about their names.
- Q. What was Cornelius Wright's childrens names that went south? A. I don't know.
- Q. You didn't have to call them Master and Mistress did you? A. Sometimes we did, and then it has been so long ago that I have raised a family myself since then.
- Q. What was Johnson Whitmire's wife's name? A. She was named Tempie.
- Q. Was she the wife that was living with him when the war came up? A. I think she was, but I wouldn't be positive.
- Q. Was you their slave? A. Yes sir, and he had plenty of slaves besides me.
- Q. How many children did Johnson Whitmire and his wife, Tempie, have? A. I will tell you the truth, and I wouldn't swear a lie to get on this roll. I don't know their names -- none but one. I knewed Watt, and that is the only one.
- Q. You know him because you heard me call his name, and because he was a witness against you in this case. How old was Watt when the war came up? A. He was a good sized boy, but I was the largest.
- Q. If you were a child with them and Johnson Whitmire had some more children, why don't you remember their names? A. I just tell you about that. If you had been raised up a slave in the backwoods like us you would not know your playmates' names.
- Q. The truth of the business is, you weren't there? A. Yes sir, I was right there.
- Q. Did he have a brother names George Whitmire? A. Yes sir.
- Q. What children did George Whitmire have? A. He didn't live right there.
- Q. How far did he live from Johnson Whitmire? A. I don't know. I know he lived in the country somewhere.
- Q. About how far? A. I don't know.
- Q. You never were at George Whitmire's? A. I belonged to Johnson Whitmire.
- Q. You never were at George Whitmire's? A. No sir.



- Q. You don't know whether he had any children or not? A. I think he did.
- Q. You don't know any of Johnson's children but Watt, and you did not know him until he testified against you? A. Yes sir, I knew him before.
- Q. But you never knew any of the rest of them, did you? A. I don't know.
- Q. Where did Johnson Whitmire live when the war came up? A. He lived up in Going Snake District.
- Q. Near what town? A. Tahlequah.
- Q. About how far from Tahlequah? A. I don't know.
- Q. Your best judgment? A. I didn't have no judgment about it.
- Q. You weren't there, were you? A. I was born and raised right there on the old Whitmire place.
- Q. How far is it from Tahlequah? A. I don't know.
- Q. Was it as much as two miles? A. I never have measured it.
- Q. Was it a mile and a half -- what is your best judgment? A. It might have been a mile and a half or five miles.
- Q. Is five miles your best judgment? A. My best judgment is that I don't know.
- Q. Is five miles your best judgment? A. I don't know how far it was.
- Q. On what side of Barren Fork did he live? A. On the north side.
- Q. How far did he live from the creek? A. I don't know that. He didn't live so powerful fur though.
- Q. Was it five miles? A. No, I don't think it was that fur.
- Q. Right when the war came up how far did Johnson Whitmire live from Barren Fork? A. I guess his old house is sitting there right now, on the north side of Barren Fork.
- Q. How far from the creek? A. I couldn't answer lessen I know.
- Q. I want to know whether it was a short distance, or how far? A. If I had been a young woman I might have been able to tell you.
- Q. How old were you? A. I must have been four or five years old.
- Q. And yet, you were married the last year of the war? A. I was 13 or 14 years old when I married.
- Q. What became of your mother? A. She died.
- Q. Where did she die? A. Down in Sequeyah.
- Q. Did your father go south with you? A. He didn't go with us but he come.
- Q. You remember seeing him around Johnson Wright's before you went? A. Yes sir, but his home was on Fox Vine.
- Q. What kind of a house did Johnson Whitmire live in? A. I think it was a big leg house.
- Q. Are you certain about that? A. No sir, I won't be certain.
- Q. Did he live on the hill or in the valley? A. On the side of the hill.
- Q. And you were four or five years old? A. I suppose I was about that old.
- Q. You were born in '43 and left in '47? A. I don't know. You ask me too tight questions. If I was sold I would say so.
- Q. How many slaves did Johnson Whitmire have? I mean when the war come up? A. He had old aunt Tempie, Artie, Mose, Celia, Mary, Harry and me.
- Q. Did Celia have any children? A. No sir.
- Q. Did Tempie? A. She had two.
- Q. Were they older or younger than you? A. Older.
- Q. Did they have any about your age? A. No sir.
- Q. Did Mary have any children? A. Yes sir.
- Q. What were their names? A. One was named Bass and one was named Jan.



- Q. You don't know how far from Barreth Fork Johnson Whitmire lived, thought? A. No sir.
- Q. You didn't know any of his children but Watt? A. I did know them, but I have forgot their names.
- Q. You didn't know any of Cornelius Wright's children's names? A. No sir.
- Q. You do not know the names of any of George Whitmire's children? A. No sir, we didn't belong to George.

COMMISSION:

- Q. You have some children, haven't you, that you applied for? A. Yes sir.
- Q. Elijah and Ida are two of them? A. Yes sir.
- Q. Who is the father of these children? A. Golly Albert.
- Q. He was a state man, wasn't he? A. Yes sir. Old man Bushyhead raised him, but he didn't belong to him.
- Q. How many times have you been married? A. Just the one time.
- Q. What was your husband's name? A. Golly Albert.
- Q. He doesn't claim any rights as a Cherokee Freedman? A. No sir.
- Q. You have a child called Henry? A. Yes sir.
- Q. Has he got some children? A. Yes sir.
- Q. What are their names? A. Harry, Raymond, and Louie.
- Q. Who is the mother of those children? A. Florence.
- Q. She is a state woman? A. Yes sir.
- Q. She doesn't claim any rights as a Cherokee Freedman? A. No sir.
- Q. You have a girl called Lillie White? A. Yes sir.
- Q. She has some children? A. Yes sir.
- Q. Who was the father of those children? A. Henry White.
- Q. He is a state man? A. Yes sir.
- Q. Have you a child called Nancy Balken? A. Yes sir.
- Q. Has she any children? A. Yes sir.
- Q. Their father doesn't claim any rights as a Cherokee Freedman? A. No sir.
- Q. Have you a daughter named Malinda? A. Yes sir.
- Q. Has she any children? A. Yes sir, six.
- Q. Does the father of those children claim any rights as a Cherokee Freedman? A. No sir.
- Q. Are they all living? A. Malinda is dead, but her children are all living.
- Q. What relation is Jennie Barnes to you? A. She is my sister.
- Q. A full sister? A. Yes sir.
- Q. Did you have the same father and mother? A. Yes sir.
- Q. Is Robert Barnes Jennie Barnes' son? A. Yes sir.
- Q. The father of Robert was a state man? A. Yes sir.
- Q. Jennie Barnes had a daughter called Lula Knalls? A. Yes sir.
- Q. And she has two children? A. Yes sir.
- Q. What are their names? A. Sarah French and Fred E. Knalls.
- Q. Was the father of Sarah French a state man? A. Yes sir.
- Q. What about the father of Fred? A. He was a state man.
- Q. Who was the father of R-430? A. He was a state man too.
- Q. He is dead, isn't he? A. Yes sir. A. Yes sir.
- Q. John Barnes is a son of Jennie Barnes, too? A. Yes sir.
- Q. His father was a state man? A. Yes sir.
- Q. The mother of Oussie and John is a state woman? A. Yes sir.
- Q. Sarah Brown has got a child called Maggie Williams? A. Yes sir.
- Q. What is its father's name? A. Marcus Williams.
- Q. He is a state man? A. Yes sir.
- Q. Jennie Barnes had a daughter named Maggie, and Maggie had a son named George L. Bell. Who was the father of this child? A. George Smith, or Bell.
- Q. Is he a state man? A. No sir.

Q. He was denied as a Cherokee Freedman? A. Yes sir.

WITNESS EXCUSED.

Witnesses for the Nation.

Watt Whitmire, being duly sworn, testified as follows:

MR HASTINGS:

- Q. What is your name? A. Watt Whitmire.  
Q. What is your post office? A. Westville.  
Q. What is your age? A. 53.  
Q. Are you a Cherokee by blood? A. Yes sir.  
Q. What was your father's name? A. Johnson Whitmire.  
Q. What was your mother's name? A. Charlotte.  
Q. Was your mother living when the war came up? A. No sir.  
Q. How long had she died before the war? A. I don't recollect.  
I was just an infant when she died. I think she died about ten years before the war.  
Q. Had your father remarried when the war came up? A. Yes sir.  
Q. What was his wife's name then? A. Tempie.  
Q. Did you have any brothers and sisters living when the war came up? A. Yes sir. I had one full brother by the name of William, older than me, and then I had some half brothers, names George and Ellis, and a sister named Charlotte.  
Q. Do you know this applicant that goes by the name of Martha Albert? A. If I ever saw her before I don't know it.  
Q. Did your father own some colored people when the war came up? A. Yes sir.  
Q. Did he own one called Nancy when the war came up? A. No sir.  
Q. Did your father own this colored applicant, who claims that she is the daughter of Nancy, when the war came up? A. There was no Nancy on the place.  
Q. Did your father own this applicant? A. No sir, she wasn't on the place.  
Q. Were you living with your father when the war came up? A. Yes sir.  
Q. How far were you living from Barron Fork? A. Right at two miles.  
Q. On which side of the creek? A. South side.  
Q. Did you ever live on the north side of Barron Fork? A. No sir. (one)  
Q. Do you know Andy Alberty, whose post office is Stilwell? A. Yes sir.  
Q. He has just testified upon the stand that your father owned a nigger slave by the name of Nancy and this applicant, who was the child of Nancy when the war came up. Was that true? A. No sir, he never owned no woman by the name of Nancy.  
Q. How far did Andy Alberty live from your father when the war came up? A. As near as I can guess it, it was 7 or 8 miles.  
Q. What kind of a house did your father live in? A. A double log house.  
Q. You say your own mother was dead? A. Yes sir.  
Q. Was your stepmother living when the war came up? A. Yes sir.  
Q. What became of your father's slaves? A. When father went south we left the women folks all at home. The men had all gone north before we left home. We and my brother, George, were the last ones to leave the place, and we left all the women folks on the place, and after we left they all went north.

- Q. None that you owned went south? A. Not one.
- Q. Where did you go during the war? A. Down on Red River on the Choctaw side.
- Q. Did you know Cornelius Wright? A. Yes sir.
- Q. Did you know his son, Cale? A. Yes sir.
- Q. How far did they live from you? A. Some five or six miles.
- Q. On what side of Barron Park? A. On the southeast side from us.
- Q. Did you see them down on Red River during the war? A. Yes sir.
- Q. Did they have some slaves down there? A. Yes sir.
- Q. Did they have a woman by the name of Nancy? A. If they did I don't know it.
- Q. Did you ever see this applicant down there? A. No sir.
- Q. Did you ever see her anywhere before? A. No sir, this is the first time I ever saw her.
- Q. How long were you all and Cornelius Wright's people together in the Choctaw Nation? A. I don't know. We moved away and left them there. We moved there in the early fall and left early the next spring, and we left Cornelius Wright's folks living there.
- Q. They were related to you? A. Yes sir.
- Q. You know that Cornelius Wright didn't have any slave of your father's by the name of Nancy, down there? A. No sir.
- Q. Did you ever know the alleged father of this applicant who she said went by the name of Charley Rowland? A. No sir.
- Q. Was he in your neighborhood before the war? A. I never heard of him.
- Q. Did you see him down on Red River during the war? A. No sir.

MR. SEAL:

- Q. You say you and your brother went off and left the women folks there? A. Yes sir.
- Q. You mean the slaves? A. Yes sir.
- Q. You also said that they all went north? A. Yes sir.
- Q. Do you know where they went? A. I don't know only what they told me. After the war they told me they went to Port Scott. One of the men told me that.
- Q. You don't know of your own personal knowledge, where they went? A. No sir, I just have their word.
- Q. You say that one of the men told you? A. Yes sir, Dick and Nose both told me that the women folks were all in Port Scott.
- Q. You said the men folks all went north? A. Yes sir, they went north first -- before we left.
- Q. All you know about where the women folks went is what Dick and Nose told you, and they left before you did? A. Yes sir.
- Q. You say your father didn't own any slave by the name of Nancy? A. No sir.
- Q. Did he own one by the name of Nannie? A. Yes sir, there was a little girl by the name of Nannie.
- Q. How old do you say you are? A. 53.
- Q. That would make you how old when the war broke out? A. Between 9 and 10.
- Q. You were acquainted with all of your father's slaves, were you? A. Yes sir.
- Q. Knew all of the children? A. Yes sir.
- Q. How many children did Rachel have? A. 3 or 4 -- I don't know just exactly whether it was 3 or 4.
- Q. How many children did Seckie have? A. There was Charlotte, Lisa, Abby, and Vary.
- Q. There was a slave there named Fronie? A. Yes sir, but I have forgot which woman was her mother.

- Q. How many children did Fronie have? A. One.
- Q. Of your knowledge, you don't know where your father's slaves went? A. Not only what they told me. They told me they went north.
- Q. You never have seen any of the women folks since then? A. Not since the war.
- Q. You don't know where they are now, do you? A. Not for certain. I never have been right to their houses.
- Q. You never have spoken to one of the negro women that belonged to your father, since the war? A. No sir.
- Q. The only slaves of your father's that you have seen are Mose and Dick? A. Yes sir.
- Q. How many slaves did your father have when the war broke out? A. I would have to count them up.
- Q. About how many? A. I guess there were 18 or 20, children and all.
- Q. You have named four children of Rachel's --- A. As well as I recollect, I said there were that many.
- Q. Five of Sookie's? A. Yes sir.
- Q. And one of Fronie's? A. Yes sir.
- Q. How many more children were there? A. There was one by the name of Charlotte that had one or two children I think.
- Q. Do you think that, being only 9 or 10 years old, you would recognize a woman 55 or 60 years old who was a girl at the outbreak of the war? A. I guess not.
- Q. Then you don't know anything about Martha Albert -- anything about who she is, or anything about her? A. No sir.
- Q. If she belonged to your father you don't know it? A. No sir.

MR. HASTINGS:

- Q. You know your father didn't have a grown woman, with children, by the name of Nancy when the war came up? A. No sir, he didn't.

COMMISSION:

- Q. You have testified in this case before? A. Yes sir.
- Q. Are you the Watg Whitmire that testified at Fort Gibson in 1901? A. Yes sir.
- Q. Do you know this man, Dillingham? A. No sir, I have heard of him frequently.
- Q. Did he live in your neighborhood? A. I think not. I have heard my father speak of him.
- Q. You do not know how near he lived to your home, do you? A. No sir, I knew the place they said he lived on.
- Q. You know this Andy Alberty that testified here awhile ago? A. Yes sir.
- Q. Did you know him before the war? A. No sir.
- Q. When was the first time you ever knew him? A. Since the war I got acquainted with him.
- Q. You don't know whether he was in the habit of visiting your father's house or not? A. No sir.
- Q. Your mother's name was Lottie? A. Charlotte.
- Q. You belonged to the second marriage? A. No, the first.

MR. NEAL:

- Q. How long before the war was it that your father married Tempie? A. I don't recollect just when it was. I was a boy, up and running around, I guess two or three or four years old. It was maybe one, three or four years before the war.
- Q. You were about 9 or 10 when the war broke out? A. Yes sir.



MR. HASTINGS:

- Q. Was there any other Johnson Whitmire living around there before the war? A. No sir.

COMMISSION:

- Q. Do you know what year it was that you went to Red River? A. No sir, I don't.  
Q. What is your best judgment as to what year it was? A. It would have to be a round about guess. I guess it was the second year of the war.  
Q. Do you remember distinctly about going to the Choctaw Nation? A. Yes sir.  
Q. You remember the trip down there, and the people you met down there? A. Yes sir.

WITNESS EXCUSED.

Cale Wright, being duly sworn, testified as follows:

MR. HASTINGS:

- Q. What is your name? A. Cale Wright.  
Q. Where do you live? A. Tahlequah.  
Q. How old are you? A. I am 59.  
Q. What was your father's name? A. Cornelius Wright.  
Q. Were you living with your father when the war came up? A. Yes sir.  
Q. Where? A. About 3 or 4 miles west of Dutch Hills, on the Cherokee side.  
Q. What District? A. Going Snake.  
Q. How far from Barren Fork? A. About two and a half miles, I guess.  
Q. Where did your father go during the war? A. South.  
Q. Did you go with him? A. I didn't exactly start with him, but I got with him at Fort Smith when he was on the way.  
Q. Did you continue on the trip with him? A. Yes sir.  
Q. Where did you go to? A. The first place we stopped at was Armstrong's Academy in the Choctaw Nation, then we moved from there down to 10 miles south of Doakville, near Red River.  
Q. Do you know this applicant, Martha Albert? A. No.  
Q. She has testified that she and her mother, Nancy went south with your father during the war, and that her mother, Nancy, belonged to Johnson Whitmire, as well as herself, at the beginning of the war? Is that True? Did a Nancy Whitmire, who had one or two children, go south with your father? A. They were not with him when I came up with him.  
Q. Did they have a Nancy Whitmire anywhere on that trip? A. No sir.  
Q. Were you ever about Johnson Whitmire's place before the war? A. Yes sir, I boarded there and went to school two sessions.  
Q. And you lived in his neighborhood? A. Yes sir, within five miles.  
Q. Did Johnson Whitmire have any slaves? A. Yes sir.  
Q. Did he have a slave by the name of Nancy who had some children when the war came up? A. No sir, I never heard of that name while I was there going to school.  
Q. You lived in the same neighborhood? A. Yes sir.  
Q. You are related to Johnson Whitmire? A. I suppose we were distantly related, but I don't know how much.  
Q. You do not know the degree of relationship? A. No sir.



- Q. Did you ever see this applicant down south after the war or during the war? A. I am just looking at her. Let me talk to her some and see.
- Q. Are you satisfied, from the conversation that you have had with her, that she was with your father down south? A. No, she could not have been.
- Q. Did you know this Andy Alberty? A. Yes sir.
- Q. How far did he live from Johnson Whitmire before the war? A. It must have been 8 miles, across the mountain.
- Q. You swear positively that you father did not have a woman by the name of Nancy, and her child, that belonged to Johnson Whitmire, down on Red River during the war? A. No sir.

Applicant to witness --- Was Arthur with you? A. No.

Q. Was Rose? A. Yes, there was a Rose -- Lucindy's daughter.

Q. Was Jinnie with you? A. Jinnie died in '61.

MR. HASTINGS:

- Q. You know that no Nancy Whitmire went south with your father? A. No sir.

MR. NEAL:

- Q. You said just now that you judge from your conversation with the applicant, that she couldn't have been with your father down there? A. No sir, she couldn't.
- Q. The reason that you say she was not with your father is because she doesn't seem to know enough about the people? A. That is it.
- Q. Upon that you base your judgment? A. Yes sir.
- Q. There were a good many slaves that went with your father down there? A. Yes sir, several.
- Q. Did any of the Whitmire niggers go with your father? A. No. The Whitmire's went out there themselves and we all went to ourselves, and at last we all got into the same neighborhood before we started back.
- Q. You didn't go out the Territory at all? A. No, we stopped on the north side of the river in the Choctaw Nation.
- Q. You say that you boarded at Johnson Whitmire's and went to school, and you say he had no slave named Nancy -- name some of his slaves --- A. You call them off.
- Q. I want you to call them off? A. He had Hannah, Myra, Fronie, Rachel, Abby, Mary, and there might have been some young ones, but these are the older ones.
- Q. Didn't he have one named Jane? A. Not that I know of.
- Q. Didn't he have one named Mattie? A. No.
- Q. Didn't he have one named Nannie? A. Well, I don't know, but if he did she must have been mighty small.
- Q. Didn't he have one named Sookie? A. Yes, there was one named Sookie.
- Q. Do you know the names of any of the men? A. Yes, there was Dick, Nose, Mike, Frank, and Mark.
- Q. What was Johnson Whitmire's wife's name when the war came up? A. Her name was Temple.
- Q. Were you acquainted with his first wife? A. No, she was dead long before I could remember her.
- Q. How old were you when you boarded there? A. It was along in '50. I was a good big chap.
- Q. You remember the names of all of these slaves by having boarded there? A. Yes sir.
- Q. How far did you live from there? A. About 8 miles, I reckon. In our country we had what we called bridge ways that were

nearer, but it was about 5 miles around.

MR. HASTINGS:

- Q. Did you mean in the year '80 or between '80 and '80? A. Yes sir, that is it -- between '80 and '80.
- Q. About how long before the war? A. I couldn't tell that. The war broke out in '61, and it must have been three or four years before the war.
- Q. Were you there frequently besides boarding there? A. Yes sir.

MR. NEAL:

- Q. You said when you were south on Red River that the Whitmire folks got into the same neighborhood? A. Yes sir.
- Q. And some of the slaves were there? A. Yes sir.
- Q. Old man Johnson Whitmire didn't carry out any slaves? A. I think George had a slave or two.
- Q. You say that none of Johnson Whitmire's slaves were there? A. No, they all went north.

COMMISSION:

- Q. Have you ever seen this woman before, to your knowledge? A. No sir, I don't know anything about her.
- Q. How far do you live from Melvin? A. I live up to Tahlequah, and I don't know just how far it is.
- Q. Do you know any of these applicants -- any of this woman's children? A. No sir.

WITNESS EXCUSED.

J. W. Alberty, being duly sworn, testified as follows:

MR. HASTINGS:

- Q. What is your name? A. J. W. Alberty.
- Q. What is your post office? A. Westville.
- Q. How old are you? A. Well, sir, I will be 71 years old the 26th day of July.
- Q. This is the case of Martha Albert, in which you have given testimony before? A. Yes sir.
- Q. You knew Johnson Whitmire before the war? A. Yes sir.
- Q. How far did you live from him? A. Six or seven miles.
- Q. You testified about the sale of some slaves to a man by the name of Dillingham? A. Yes sir.
- Q. About when did he sell them to Dillingham? A. It was either in '47 or '48.
- Q. Do you know this applicant here? A. No sir.
- Q. She has testified that her mother was named Nancy and that her father was named Charley Dowland. Did you know the Nancy, the alleged wife of Charley Dowland? A. Yes sir.
- Q. Who did she belong to? A. Old man Dillingham moved the Texas and took this family with him.
- Q. To whom did she previously belong? A. To Johnson Whitmire.
- Q. And Dillingham acquired her from Johnson Whitmire in the year of 1847 or 1848? A. Yes sir.
- Q. Are you certain that her name was Nancy? A. Yes sir.
- Q. What became of Charley Dowland? A. He went with Dillingham.
- Q. Do you know whether Nancy had some children? A. She had two or three.
- Q. You don't know whether this applicant was one of them or not? A. No sir.

- Q. Did Johnson Whitmire have a grown slave by the name of Nancy when the war came up? A. No sir, not that I know of.
- Q. You were familiar with him? A. Yes sir.
- Q. Are you prepared to say that Charley Newland was not in that country when the war came up? A. Yes sir.
- Q. Do you know Andy Alberty? A. Yes sir.
- Q. Is he a relative of yours? A. Yes sir.
- Q. Where did he live before the war? A. He lived right close to Oak Grove school house.
- Q. How far from Johnson Whitmire's? A. Between 7 and 8 miles.
- Q. Then Nancy, the wife of Charley Newland, was taken south? A. Yes sir.
- Q. What was the citizenship of Dillingham? A. He wasn't no citizen at all, he was just a white man.
- Q. Well, he was a United States citizen, A. Yes sir.
- Q. Where did he live in '49 or '50? A. Before he went to Texas he lived in Arkansas.

MR. SEAL:

- Q. You lived closer to Dillingham than you did to Johnson Whitmire didn't you? A. Yes sir.
- Q. You were better acquainted with Dillingham's slaves than you were with Johnson Whitmire's? A. Yes sir.
- Q. You knew more about this woman after Dillingham bought her than you did when she belonged to Johnson Whitmire? A. Yes sir.

WITNESS EXCUSED.

Jeff Catcher (Tik-nee-sky), being duly sworn, testified as follows:

MR. HASTINGS:

- Q. What is your name? A. Jeff Catcher.
- Q. What is your post office? A. Stillwell.
- Q. How old are you? A. I was 65 the 18th day of last month.
- Q. Are you a Cherokee citizen? A. Yes sir.
- Q. You are also known as Jeff Tik-nee-sky? A. Yes sir, that is my Cherokee name.
- Q. Where did you live before the war? A. In Going Snake District on Pea Vine.
- Q. Close to where you live now? A. About 300 yards west of where I live now.
- Q. Did you know Johnson Whitmire before the war? A. Yes sir.
- Q. How far did you live from him? A. It was about three quarters of a mile, I reckon, maybe a little over.
- Q. Were you a soldier in the Army? A. Yes sir.
- Q. You were about grown when the war came up? A. Yes sir.
- Q. Did Johnson Whitmire have any slaves? A. Yes sir.
- Q. Did he have a grown woman by the name of Nancy, who had some children, when the war came up? A. No sir, I don't recollect one by that name.
- Q. Were you frequently at his house? A. Pretty near all the time. Once a week anyhow. I was there pretty much all the time.
- Q. Do you know this applicant, who gives her name as Martha Albert? A. No sir.
- Q. Did you ever see her before? A. No sir.
- Q. Did you know a white man that lived across the line by the name of Dillingham before the war? A. No, I never saw him, but I

- Have heard him talked of a good deal.
- Q. You were too small to remember him? A. Yes sir, but I have heard of him.
- Q. You don't know whether he bought some slaves of Johnson Whitmire or not? A. I don't know. He didn't after I got big enough to recollect.
- Q. Did Johnson Whitmire, when the war came up, have a woman by the name of Nancy? A. No sir.
- Q. What army were you in? A. The Federal army.
- Q. Do you know Andy Alberty? He just testified here awhile ago? A. Yes sir.
- Q. How far did he live from Johnson Whitmire? A. Between 7 and 8 miles.
- Q. Did you know a free colored man in that country by the name of Charley Bowland? A. I have heard of him, but I don't recollect him.
- Q. He wasn't there just before the war? A. No sir.

MR. KEAL:

- Q. You say that you don't remember a woman named Nancy that belonged to Johnson Whitmire? A. No sir.
- Q. You don't mean to say that he didn't have one by that name, but that you just don't remember her? A. If he had one it must have been a small child, for I knew all the old ones. I think I can name all the old ones.
- Q. Name them? A. The old women that I knew was Myra, Ma, Sookie, Hannah, Rachel, Frenie, Mary, Charlotte, and the balance were small and I don't recollect their names.

MR. HASTINGS:

- Q. Was Andy Alberty ever to see you lately to see about this case? A. Yes sir, last Sunday.
- Q. What did he say to you? A. He asked me if I knew of Mr. Whitmire having a woman by the name of Nancy.
- Q. What did he say about it? A. He didn't say that he knew anything about it. He just wanted to find somebody that knew them.
- Q. Did he say that he knew one at that time by the name of Nancy? A. He didn't say whether he did or not? He just wanted to find somebody that did know her. I told him I didn't think Johnson Whitmire owned any nigger by that name.
- Q. That is the same Andy Alberty that you saw out there in the hall who has just testified here? A. Yes sir.

MR. KEAL:

- Q. As soon as Mr. Alberty told you that he wanted to get witnesses who knew this woman who did you go and tell about it? A. I told him that there was an old woman up there, Susie Walkingstick, and that if anybody would know about it she would for she was older than I was. I said, for my part, I didn't know anything about it. Afterwards, I saw him and told him that what I knew was not in his favor, but will go against him, for I was there and knew all about his niggers.
- Q. You sent him around to see Susie Walkingstick, and told him that if he owned one by that name it was before you could remember? A. Yes sir.
- Q. And then you chased out to see if they wanted witnesses for the Nation? A. No sir.

THE COURT:



- Q. How big a place did Johnson Whitmire have? A. About 75 acres in cultivation.
- Q. About how many slaves did he have at the beginning of the war? A. He must have had 15 or 20.
- Q. Was that the only place he had in the Cherokee Nation? A. Yes sir.
- Q. Did he have a plantation anywhere else? A. Nothing only a cattle ranch down about Webbers Falls. He and his brother George had a ranch together. They both owned slaves.
- Q. He didn't have any female niggers down at the ranch? A. No sir.
- Q. You are positive that these are the only two places he had? A. Yes sir.

WITNESS EXCUSED.

Charlotte Wright, being duly sworn, testified as follows:

MR. HASTINGS:

- Q. What is your name? A. Charlotte Wright.
- Q. What is your post office? A. Christie.
- Q. How old are you? A. 58.
- Q. What was your maiden name? A. Whitmire.
- Q. Who was your father? A. George Whitmire.
- Q. What relation was he to Johnson Whitmire? A. A brother.
- Q. Where did you live before the war? A. I lived on Barren Fork. West of the Barren Fork station and east of Christie.
- Q. How far from where you are living now? A. About a mile and a half.
- Q. You have lived there all your life? A. Except when I was south during the war.
- Q. Did you go south? A. Yes sir, we were gone four years.
- Q. Where did you go? A. To Red River -- near Benham, only we were on the Cheatan side.
- Q. Did you know Cornelius Wright before the war? A. Yes sir.
- Q. Did you see him down on Red River? A. Yes sir.
- Q. Do you know Gale Wright? A. Yes sir.
- Q. You saw these people down south during the war? A. Yes sir, we got to be neighbors down there.
- Q. Did Johnson Whitmire have some slaves before the war? A. Yes sir.
- Q. Do you know this applicant here? A. I don't recognize her.
- Q. Did Johnson Whitmire have a green woman slave by the name of Nancy when the war came up? A. I don't remember her.
- Q. Was there a free colored man in the neighborhood, by the name of Charley Rowland, when the war came up? A. I never heard of it.
- Q. This applicant gives her mother's name as Nancy and her father's name as Charley Rowland? A. I never knew them.
- Q. Do you state that Johnson Whitmire had any slave by the name of Nancy, who had some children, when the war came up? A. If he did I don't know it.
- Q. He was your uncle? A. Yes sir.
- Q. Were you frequently at his house? A. Yes sir.
- Q. How far did your father live from him? A. I guess it was 5 or 6 miles.
- Q. You lived in the same neighborhood? A. Yes sir.
- Q. And you were frequently at your uncle's place? A. Yes sir.
- Q. Would you stay any length of time? A. As long as a week.
- Q. You knew his family and slaves? A. Yes sir.



- Q. They never had one by the name of Nancy that you know of? A. No sir.
- Q. Did you see any slaves down south with Cornelius Wright, and among them one named Nancy who claimed to belong to your uncle Johnson before the war? A. No sir, none of his slaves went south that I know of. They all left him.
- Q. You didn't see any down there that claimed to have belonged to him? A. No sir.
- Q. You do not remember to have ever seen this applicant before? A. No sir.

Q.  
MR. NEAL:

- Q. You have not seen any of Johnson Whitmire's female slaves since the war, have you? A. No sir.
- Q. You probably wouldn't remember a girl that was 4 or 5 years old? A. I think I would recognize her. I could be mistaken, but I think I would recognize her.
- Q. How old were you when the war broke out? A. I was 14 years old when we had to leave home.
- Q. You say that if Johnson Whitmire had a slave by the name of Nancy you don't know anything about it? A. No sir.
- Q. You don't know that he didn't have any one by that name, but you just don't know about it? A. I never saw one by that name on the place, and I don't think he had one by that name. I don't recollect anything about it, and never heard anything about it.
- Q. You don't know positively that he didn't have one by that name? A. No sir, he didn't have one by that name that I knew of. He didn't have one at home, and I don't think he had any away from home. I never heard of it if he did. But I know there was no one on the place by that name.

WITNESS EXCUSED.

Charles Whitmire, being duly sworn, testified as follows:

MR. HASTINGS:

- Q. What is your name? A. Charles Whitmire.
- Q. What is your post office? A. Prector.
- Q. How old are you? A. 56 I reckon.
- Q. Are you younger than your sister Mrs. Wright? A. Yes sir.
- Q. She was your sister? A. Yes sir, she was always recognized as my sister.
- Q. You are the son of George Whitmire? A. Yes sir.
- Q. Johnson Whitmire was your uncle? A. Yes sir.
- Q. Do you remember Johnson Whitmire before the war? A. Yes sir.
- Q. About how old were you when the war came up? A. I couldn't tell you -- 12 or 14 I guess.
- Q. Were you about Johnson Whitmire's frequently? A. Yes sir, I stayed there a right smart and went to school from his house.
- Q. Did Johnson Whitmire have some slaves? A. Yes sir.
- Q. Did he have a grown woman slave who had some children, by the name of Nancy, when the war came up? A. Not that I remember.
- Q. Well, if he had had one that was old enough to be, and was the mother of some children would you have known it? A. Yes sir, I think I knowed all of the slaves there.
- Q. You didn't know one by the name of Nancy? A. No sir.
- Q. Do you know this applicant here? A. No sir.
- Q. Did you ever see her before? A. Not that I remember.
- Q. Did you ever know a free colored person by the name of Charley

- Bowland is that country? A. No sir.
- Q. Then of course you never knew his wife, Nancy? A. No sir.
- Q. Did you say that you stayed at Johnson Whitmire's and went to school? A. Yes sir.
- Q. Do you know Johnson Whitmire's wife and family? A. Yes sir.
- Q. Is Watt one of the children? A. Yes sir.
- Q. Where did you go during the war? A. I went south to Red River.
- Q. Did you know Cornelius Wright? A. Yes sir.
- Q. Did you see him down there? A. Yes sir.
- Q. Was he Cal Wright's father? A. Yes sir.
- Q. Did he carry any of Johnson Whitmire's slaves down south with him? A. No sir.
- Q. It has been sworn that he took some of Johnson Whitmire's slaves and among them was this woman, Nancy, and this applicant. Is that true? A. If he did, he didn't have them when we got to where they were.
- Q. You were not old enough to know a white man by the name of Dillingham, were you? A. No sir.

MR. NEAL:

- Q. How old did you say you are? A. 56, if I am not mistaken.
- Q. You are older than your sister? A. No sir.
- Q. Who else was boarding down there and going to school? A. Nobody but me and his boy went to school. Sometimes aunt Temple had two sisters that stayed there and went to school.
- Q. When were you there? A. I don't know.
- Q. Were you there off and on for four or five years before the war? A. I don't know.
- Q. Did you stay there more than one year? A. I went from there for two or three sessions.
- Q. You never happened to be there when anybody else was boarding there? A. I was there when aunt Temple's sisters were there. I don't remember any body else.
- Q. How many years before the war was it? A. I am not able to tell you what year it was. I stayed at home some, and then I didn't get to go to school but very little.
- Q. Your cousin, Cale, boarded down there and went to school, didn't he? A. I couldn't say whether he did or not. If he went to school, from there when I did I don't remember it.
- Q. You said that you were of the opinion that Johnson Whitmire had no slaves, the name of Nancy who was old enough to have children at that time? A. No sir.
- Q. If he did, you don't remember it? A. No sir. I don't remember any of the folks on the place calling one by that name.

MR. HASTINGS:

- Q. If there had been one there by that name would you have known it? A. Yes sir.

MR. NEAL:

- Q. You would remember it all these years would you? A. I don't know, but I think I would. I remember the names of all of the older ones.

COMMISSIONER:

- Q. Where was this school? A. On Warren Fork, on Pee Vine.

- Q. How far from Johnson Whitmire's? A. About a mile and a half.
- Q. Who had this school? A. An old missionary lady taught the school. I don't remember her name.
- Q. Was it a kind of a convent school? A. It was kept up by the Cherokee Nation. It was a public school.
- Q. How far away was the nearest school to it? A. I couldn't say positively just how far away. I expect it was 8 miles. I wouldn't be positive, but I expect it was that far.
- Q. Was Johnson Whitmire in the habit of taking boarders to attend school? A. Yes sir, and so did my father.
- Q. You were convenient to the school, and the people from the neighboring vicinity sent their children over there to board and go to school. A. Yes sir.

MR. NEAL:

- Q. You say your father kept boarders? A. Yes sir.
- Q. How did it happen that you didn't board at home? A. My uncle had a boy, and had nobody to go to school with him, so I was sent over to go to school with this boy.
- Q. How near did your father live to the school? A. About four miles, but he built a house about three quarters of a mile from the schoolhouse where he kept the teacher and boarders.

WITNESS EXCUSED.

(Mr. Neal -- I would like that the case be held open until I can introduce one other witness, the Martha Williams who was actually sold to Billingham, and if I can get her, I will bring Susie Walkingstick.

By consent and agreement, this case is continued to May 11, 1905, at 1:30 o'clock, P. M.

-----

Eula Jeanes Branson, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause on the 27th day of April, 1905, and that the above and foregoing is a full and complete transcript of her stenographic notes taken in said cause on said date.

(Signed) Eula Jeanes Branson.

Subscribed and sworn to before me this the 29th day of April, 1905.

(Signed) Myron White  
Notary Public

Nobelle Johnson, being duly sworn, states that he  
transmitted to the Commission to the Five Civilized Tribes, who  
made the above and foregoing copy, and that the same is a true and  
complete copy of the original transcript.

Nobelle Johnson

Subscribed and sworn to before me this 19th day of May, 1905.

H. H. Hocking  
Notary Public.





Q. 700 4 31.

**FILED**  
MAY 18 1965  
COMMISSION TO FIVE STATES



Cherokee Freedmen-R-418 to  
431, inclusive.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Indian Territory, May 11, 1906.

In the matter of the application for the enrollment of  
Martha Albert et al. as Cherokee Freedmen.

Neal & London, attorneys for applicants.

Bell, Hastings & Davenport, attorneys for the Cherokee Nation.

COMMISSION.

On this, the 11th. day of May, this cause coming on to be  
heard, the applicants appear neither in person nor by attorney.  
The Cherokee Nation, represented by W. W. Hastings, introduces the  
following testimony:

Aaron Whitmire, being duly sworn, testified as follows on  
behalf of the Cherokee Nation:

MR. HASTINGS:

- Q. Your name is Aaron Whitmire? A. Yes sir.  
Q. You are a Freedman citizen of the Cherokee Nation? A. Yes  
sir.  
Q. How old are you? A. About 59.  
Q. To whom did you belong when the war came up? A. George  
Whitmire.  
Q. What relation was George to Johnson Whitmire? A. They were  
brothers.  
Q. How far apart did they live? A. About four miles when the  
war came up.  
Q. In what District? A. Going Snake.  
Q. Did they use to live together? A. Yes sir, till they  
married.  
Q. Were you familiar with Johnson Whitmire's slaves? A. Yes sir.  
Q. Did you ever know a slave that he had there by the name of Nancy  
who had Charles Randall, a free colored man, for her husband?  
A. Yes sir.  
Q. What became of Nancy? A. She was sold to a man by the name  
of Dillingham.  
Q. What was Dillingham's citizenship? A. A citizen of the  
United States.

- Q. Where did he live? A. Right on the line of -- or close to the line of Arkansas.
- Q. Did this Nancy have any children when she was sold? A. I think she had one, is all I can recollect.
- Q. What was that child's name? A. Martha.
- Q. Now, I refer to the Nancy who had a husband by the name of Charley Bowland, a free colored man? A. Yes sir, and so do I.
- Q. About how long before the war was it that she was sold to Dillingham? A. As near as I can recollect, it must have been 8 or 10 years or more.
- Q. Did Dillingham continue to live over there in Arkansas till the war came up? A. No sir.
- Q. What became of him? A. He went to Texas before the war come up.
- Q. Aaron, it has been alleged here that Johnson Whitmire had another Martha whose mother was Dicy, and that Dicy and that Martha were sold instead of this Martha and Nancy. Did he have another woman by the name of Dicy? A. Yes sir.
- Q. Did he have her when the war came up? A. No sir, she was dead.
- Q. Did he sell her to Dillingham? A. No sir.
- Q. When did she die? A. Before the war, and before Nancy was sold.
- Q. Did Dicy have any children? A. One.
- Q. What was its name? A. Cinthy.
- Q. What became of Cinthy? A. She was sold to a man by the name of Russell, who lived in Arkansas.
- Q. About how long before the war was she sold? A. 6 or 8 years.
- Q. Did Johnson Whitmire have any other Dicy? A. No sir, never did.
- Q. Did you ever hear of his selling a Dicy to Dillingham? A. No sir.
- Q. Did you ever hear of his selling a little girl by the name of Martha, besides this one? A. No sir, this was the only Martha on the place.
- Q. Did he have a Martha when the war came up? A. No sir.
- Q. Did you ever see the applicant who gives her name as Martha Albert, who is the wife of Collie Albert? A. I haven't seen her since she was sold.
- Q. Did Charley Bowland go to Texas? A. Yes sir.
- Q. Was he in the Going Snake country when the war came up? A. No sir, I never did see him after he went to Texas.
- Q. What became of Johnson Whitmire's slaves? Did any of them go to Texas? A. No sir.
- Q. What became of his women slaves? A. They went north.
- Q. Who took them north? A. They went off with the soldiers.
- Q. How long did you remain up there at the old Whitmire place? A. Till '64.
- Q. Then you went to Kansas? A. Yes sir.
- Q. Had all of Johnson Whitmire's slaves gone off north with the soldiers? A. All but two, and they were with me. They were two very old women -- Amy and Myra.
- Q. Had Cornelius Wright gone south? A. Yes sir.
- Q. He took his slaves with him? A. Yes sir.
- Q. Did Johnson Whitmire have any other Nancy or Fannie other than the one he sold to Dillingham? A. Yes sir, he had a little girl called Nannie.
- Q. Who was her mother? A. Sookay.
- Q. What was Sookay's name? A. Smith.
- Q. What was her husband's name? A. Moss Smith. He is dead.
- Q. Where does she live? A. Up here on Big Creek in Coover's Coover District.

- Q. How many slaves did Johnson Whitmire have at the beginning of the war? A. He had some 20 or 25.
- Q. Can you give their names? A. I could name the old ones.
- Q. Give me the names? A. The first old woman was Amy, Myra, Hannah, Sookey, Kinsy, Mike, Dick, Martin, Mose, Saphronie, Rachel, Charlotte, Lisa, Aby, Frank, Nannie. That is about all I can recollect.
- Q. These are all the older ones? A. Yes sir.
- Q. The younger ones you do not remember? A. I cannot recollect them.
- Q. How many of these slaves do you know of that are living now, of these 15 or 16 you have just named? A. I don't know of but two that are living.
- Q. Where are they? A. Up on Big Creek.
- Q. What are their names? A. Nannie Smith and Frank Whitmire.
- Q. Where does Frank live? A. On Big Creek.
- Q. How old a man is he? A. I don't know just how old a man he is -- right at 60 I guess.
- Q. Do you know Martha Williams? A. No sir.
- Q. Are you positive now that at the breaking out of the war, Johnson Whitmire did not have a slave by the name of Martha? A. Yes sir.
- Q. Do you know whether he had a child slave by that name? A. No sir, there was not one by the name of Martha.
- Q. You know that of your own knowledge? A. Yes sir.
- Q. You mentioned in your testimony about a Nancy who had a daughter called Martha, and that they were sold to Billingham. Have you ever seen them since that time? A. I never have.
- Q. Do you know who this applicant is -- have you seen her? A. I don't know that I would know Martha if I saw her.
- Q. How far do you live from Fort Smith? A. I live away up near the Kansas line.
- Q. Did you say you knew Charley Bowland? A. Well.
- Q. Was he a free colored person? A. Yes sir.
- Q. And you know that he married one of Johnson Whitmire's slaves named Nancy? A. Yes sir.
- Q. You cannot be mistaken about that? A. No sir.

WITNESS EXCUSED.

COMMISSION:

After the introduction of the above testimony by the Cherokee Nation, the attorneys for the applicants appeared, by their stenographer, Miss Serenson, and filed with the Commission a motion for continuance.

MR. EASTMAN:

The attorneys for the Cherokee Nation object to the motion for continuance, filed in this case, for a number of reasons, to-wit:

FIRST: -- This case has been continued a number of times upon motion and at the request of the applicants;

SECOND: -- The motion for continuance is not sworn to;

THIRD: -- The motion for continuance does not set up what is expected to be proven by the said Martha Williams, but only states that she is an important witness, and does not state what is expected

to be proven by her, so that the Commission can pass upon the materiality and admissibility of the testimony;

FOURTH: -- Because the certificate of the attending physician is not sworn to.

COMMISSION:

The motion for continuance will be taken under advisement, and the attorneys will be notified by mail.

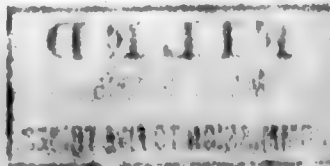
-----

Eula Jeanes Branson, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause on the 11th. day of May, 1905, and that the above and foregoing is a full and complete transcript of her stenographic notes taken in said cause on said date.

Eula Jeanes Branson

Subscribed and sworn to before me this the 17th. day of May, 1905.

[Signature]  
Notary Public.





DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Martha Albert, et al.,  
for enrollment as Cherokee freedmen, consolidating the applica-  
tions of

|                         |                          |
|-------------------------|--------------------------|
| Martha Albert, et al.   | Cherokee Freedmen D 42   |
| Robert Barnes,          | Cherokee Freedmen D 90   |
| Lula Knalls, et al.,    | Cherokee Freedmen D 100  |
| Nancy Borkum, et al.,   | Cherokee Freedmen D 101  |
| Henry Albert, et al.,   | Cherokee Freedmen D 102  |
| John Barnes, et al.,    | Cherokee Freedmen D 103  |
| Jerry Albert,           | Cherokee Freedmen D 104  |
| Lillie White, et al.,   | Cherokee Freedmen D 105  |
| Malinda McLain, et al., | Cherokee Freedmen D 114  |
| Frank Gardner,          | Cherokee Freedmen D 146  |
| Joshua Barnes,          | Cherokee Freedmen D 150  |
| Sarah Brown, et al.,    | Cherokee Freedmen D 151  |
| Minnie Barnes,          | Cherokee Freedmen D 152  |
| Maggie Bell, et al.     | Cherokee Freedmen D 182. |

DECISION.

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission, by Martha Albert, for herself and minor children, Elijah and Ida Albert; by Robert Barnes for himself; by Lula Knalls, for herself and minor children, Sarah French and Fred E. Knalls; by Nancy Borkum, for herself and minor children, Annie and Walter Borkum; by Henry Albert, for himself and minor children, Harry and Raymond Albert; that subsequent to the date of the original application a birth affidavit, which is made a part of the record herein, was filed with the Commission, showing the birth of Lewey Albert; by John Barnes, for himself and minor child, Gussie A. Barnes; that subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission, showing the birth of John A. Barnes; by Jerry Albert, for himself; by Lillie White, for herself and minor children, Mattie and Nancy White; that subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission, showing the birth of Amos White; by Charles McLain, for his wife, Malinda McLain, and minor children, Samuel, Ella, Christina, Charles, Turner and Jennetta McLain; by Frank Gardner, for himself; by Joshua Barnes, for himself; by Sarah Brown, for herself and minor child, Maggie Williams; by Minnie Barnes, for herself; by George C. Bell, for his wife, Maggie Bell; that subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission, showing the birth of George L. Bell.



The evidence shows that the applicant, Martha Albert, and her sister, Jennie Barnes, now deceased, were not slaves of Cherokee citizens or free colored persons residing in the Cherokee Nation at the commencement of the war of the rebellion. All the other applicants herein have been born since the commencement of the rebellion and are descendants of and claim right to enrollment through either the said Martha Albert or Jennie Barnes.

None of the names of said applicants herein are found on the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Martha Albert, Elijah Albert, Ida Albert, Robert Barnes, Lula Knalls, Sarah French, Fred E. Knalls, Nancy Borkum, Annie Borkum, Walter Borkum, Henry Albert, Harry Albert, Raymond Albert, Lewey Albert, John Barnes, Gussie A. Barnes, John A. Barnes, Jerry Albert, Lillie White, Mattie White, Nancy White, Amos White, Malinda McLain, Samuel McLain, Ella McLain, Christina McLain, Charles McLain, Turner McLain, Jennetta McLain, Frank Gardner, Joshua Barnes, Sarah Brown, Maggie Williams Minnie Barnes, Maggie Bell and George L. Bell, as Cherokee Freedmen, should be denied under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats. , 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed)

(Tams Bixby,  
(T.B.Needles,  
(C.R.Breckinridge,  
(W.E.Stanley.

Muskogee, Indian Territory.

This Jan 11, 1904.

a3m  
7066

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment  
of Martha Albert, et al., as Cherokee freedmen, consolidating the  
applications of:

|                        |                   |         |        |
|------------------------|-------------------|---------|--------|
| Martha Albert et al.,  | Cherokee Freedmen | (D 42)  | R 418  |
| Robert Barnes,         | "                 | (D 99)  | R 419  |
| Lula Knalls et al.,    | "                 | (D 100) | R 420  |
| Nancy Berkum et al.,   | "                 | (D 101) | R 425  |
| Henry Albert et al.,   | "                 | (D 102) | R 421  |
| John Barnes et al.,    | "                 | (D 103) | R 423  |
| Jerry Albert           | "                 | (D 104) | R 424  |
| Lillie White et al.,   | "                 | (D 105) | R 424  |
| Malinda McLain et al., | "                 | (D 114) | R 426  |
| Frank Gardner          | "                 | (D 146) | R 430  |
| Jessie Barnes          | "                 | (D 150) | R 427  |
| Sarah Brown et al.,    | "                 | (D 151) | R 428  |
| Minnie Barnes          | "                 | (D 152) | R 429  |
| Maggie Bell et al.,    | "                 | (D 153) | R 431. |

D E C I S I O N .

THE RECORDS OF THIS OFFICE SHOW: That applications for enrollment as Cherokee Freedmen were made to the Commission to the Five Civilized Tribes by Martha Albert for herself and minor children, Elijah and Ida Albert; by Robert Barnes for himself; by Lula Knalls for herself and minor children, Sarah French and Fred E. Knalls; by Nancy Berkum for herself and minor children, Annie and Walter Berkum; by Henry Albert for himself and minor

children, Harry and Raymond Albert, thereafter, on October 31, 1902, there was filed with the Commission an affidavit showing the birth, on June 4, 1902, of Lewey Albert, son of the applicant, Henry Albert; by John Barnes for himself and minor child, Gussie A. Barnes, thereafter, on August 20, 1902, there was filed with the Commission an affidavit showing the birth, on June 15, 1902, of John A. Barnes, son of the applicant, John Barnes; by Jerry Albert for himself; by Lillie White for herself and minor children, Mattie and Nancy White, thereafter, on July 1, 1902, there was filed with the Commission an affidavit showing the birth, on March 8, 1902, of Amos White, son of the applicant, Lillie White; by Charles McLain for his wife, Malinda McLain, and minor children, Samuel, Ella, Christiana, Charles, Turner and Jennetta McLain, thereafter, on September 1, 1901, there was filed with the Commission an affidavit showing the birth, on May 17, 1901, of Mattie McLain, daughter of the applicant, Malinda McLain; by Frank Gardner for himself; by Joshua Barnes for himself; by Sarah Brown for herself and minor child, Maggie Williams; by Minnie Barnes for herself; and by George C. Bell for his wife, Maggie Bell, thereafter, on November 7, 1901, there was filed with the Commission an affidavit showing the birth, on September 18, 1901, of George L. Bell, son of the applicant, Maggie Bell.

THE RECORDS FURTHER SHOW: That on January 11, 1904, the Commission rendered its decision herein, denying said applicants, except Mattie McLain, whose rights to enrollment, through an oversight, were not considered, the right to enrollment as Cherokee freedmen, and that on June 21, 1904 (Departmental letter I.T.D. 4732-04), said decision was duly affirmed by the Department; that, thereafter, on March 25, 1905 (Departmental letter I.T.D. 1332-05), on motion of the applicants, this case was reopened by the Department, and remanded for further testimony and readjudication; and that, thereafter, on April 13, and 27, and May 11, and June 22, 1905, further proceedings in the matter of said applications were had at Muskogee, Indian Territory.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant, Martha Albert, claims the right to enrollment as a Cherokee freedman by virtue of her compliance with the treaty stipulations of 1866, and that all the other applicants herein claim the same right as descendants of the said Martha Albert and one Jennie Barnes, deceased, who, it is alleged, complied with said treaty stipulations of 1866.

The following points are fully established by the evidence, no attempt having been made to disprove them:

-3-

(1) That the applicant, Martha Albert, and the said Jennie Barnes, deceased, were full sisters, and were born prior to the commencement of the rebellion.

(2) That all the other applicants herein were born since the commencement of the rebellion, are lineal descendants of the applicant, Martha Albert, and the said Jennie Barnes, deceased, and possess no rights to enrollment as Cherokee freedmen other than as such descendants.

( The records of this office fail to show that Ruth Barnes, mother of the applicants, Gussie A. and John A. Barnes, has ever made application for enrollment as a Cherokee freedman. Her mother, Millie White, and full sister, Viola White, and full brothers, Jim H. and Harry White, were originally listed for enrollment as Cherokee freedmen on Memorandum cards Nos. 10, 13, and 14, and were later transferred to Freedman Rejected cards, Nos. 317, 320 and 321. On April 24, 1905, their applications for enrollment as Cherokee freedmen were denied by the Commission, and record forwarded to the Department.

George C. Bell, father of the minor applicant, George L. Bell, was denied enrollment as a Cherokee freedman, by the Commission, on April 20, 1904, and on May 26, 1904, -Departmental letter I.T.D. 4050-04, - the Commission's decision was approved by the Department).

THE EVIDENCE IN THIS CASE FURTHER SHOWS: That the applicant, Martha Albert, and the said Jennie Barnes, deceased, were neither the slaves of a Cherokee citizen, nor free colored persons residing in the Cherokee country at the commencement of the rebellion, but, rather, that several years prior to the commencement of said rebellion, they, together with their mother "Nancy", were sold to one Dillingham, a citizen of the United States, were removed from the Cherokee Nation, and it is further shown that they did not return to said Nation on or prior to February 11, 1867. Excepting the Wallace and Kern-Clifton Relis, none of the applicants herein can be identified on any roll of the Cherokee Nation in the possession of this office.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 ( 30 Stat., 495), Martha Albert, Elijah Albert, Ida Albert, Robert Barnes, Lula Knalls, Sarah French, Fred S. Knalls, Nancy Borkum, Annie Borkum, Walter Borkum, Henry Albert, Harry Albert, Raymond Albert, Lowey Albert, John Barnes, Gussie A.

Barnes, John A. Barnes, Jerry Albert, Lillie White, Mattie White, Nancy White, Ames White, Malinda McLain, Emanuel McLain, Ella McLain, Christiana McLain, Charles McLain, Turner McLain, Jennetta McLain, Mattie McLain, Frank Gardner, Joshua Barnes, Sarah Brown, Maggie Williams, Minnie Barnes, Maggie Bell and George L. Bell, are not entitled to enrollment as Cherokee freedmen, and their applications for enrollment as such are accordingly denied.

SIGNED. Tame Pirby  
COMMISSIONER

Dated at Muskogee, Indian Territory,  
this JUL 24 1905



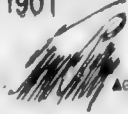
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FD 182

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

MAY 15 1901



ACTING CHAIRMAN

# NOTICE!

In the matter of the application of Maggie Bell for enrolment as a Cherokee Freedman.

Case No. D 182

To Maggie Bell

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on the following dates, to-wit: 21st & 22nd day of May

A. D. 1901, during the usual business hours of said commission on the respective days above named, for the taking of testimony both for and against applicants for enrolment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands on this 13th day of May 1901.

Bell Hastings & Davenport  
Attorneys for the Cherokee Nation.

United States of America, }  
Indian Territory, } s. s.  
Northern District.

I do solemnly swear that I delivered a true copy of the within notice to \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_ A. D. 1901.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 1901.  
\_\_\_\_\_  
Notary Public.

Indian Territory  
Cherokee Nation.

I, A. S. Mearns, Attorney for the within named applicant  
hereby accept service of the within notice to take testimony this May  
15th 1901.

*A. S. Mearns*  
-----  
Atty for the within named Applicant.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MAY 15 1901  
F. I. F. D.

*[Signature]*  
Acting Chairman

3  
FD 182

C. J. S. 182.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**  
APR 25 1901

  
ALFRED S. CHAPMAN

281/17

# NOTICE!

In the matter of the application of George C Bell et al for enrollment as a Cherokee Freedman.

Case No. D. 192

To George C Bell

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Fort Harrison Indian Territory, on the following dates, to-wit: April 29 & 30

A. D. 1901, during the usual business hours of said commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set ~~out~~ hands on this 27 day of April 1901.

Ree. Doniphan Hastings

Attorneys for the Cherokee Nation.

United States of America, }  
Indian Territory, } s. s.  
Northern District.

I do solemnly swear that I delivered a true copy of the within notice to George C Bell on the 27 day of April A. D. 1901.

Subscribed and sworn to before me this 29 day of April 1901.

Emmit Burr  
Notary Public.  
Seal



FIAD 1.8.2

19

# **NOTICE.**

## **Cherokee - Freedmen - Enrollment.**

The Commission to the Five Civilized Tribes will continue in session at

### **MUSKOGEE, IND. TER.,**

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Maggie Bell,  
Dora, Arkansas,  
Cherokee F-D-132  
Register.

TAMS BIXBY,  
T. B. NEEDLES,  
C. R. BRECKINRIDGE,  
Commissioners.

MEMORANDUM OF APPLICATION

CHEEOKEE REEDMEN

RECEIVED

APR 25 1801

RECEIVED

COMMISSION TO THE FIVE CIVILIZED TRIBES  
DEPARTMENT OF THE INTERIOR

Membership

Membership

Membership

Membership

Membership

Membership

Age

Dist.

Loc.

Prof.

Inst.

Inst.

20

22 1/2

## MEMORANDUM OF APPLICATION.

## CHEROKEE FREEDMEN.

Date

April 27/90/

Post Office

Horseshoe Creek

District

1. Name \_\_\_\_\_ Age \_\_\_\_\_

Owner's name \_\_\_\_\_ Citizenship \_\_\_\_\_

Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ District \_\_\_\_\_

Parents:

Father \_\_\_\_\_ Citizenship \_\_\_\_\_

Mother \_\_\_\_\_ Citizenship \_\_\_\_\_

2. Name of wife Maggie Bell Age 27

Owner's name \_\_\_\_\_ Citizenship \_\_\_\_\_

Year Walker Page 99 No. 2/32 District Edwards

Parents:

Father Sam Barnes - living Citizenship \_\_\_\_\_Mother Jessie " - dead Citizenship \_\_\_\_\_

Names of Children:

3. \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Dist. \_\_\_\_\_

4. \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Dist. \_\_\_\_\_

5. \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Dist. \_\_\_\_\_

6. \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Dist. \_\_\_\_\_

7. \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Dist. \_\_\_\_\_

8. \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Dist. \_\_\_\_\_

9. \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Dist. \_\_\_\_\_

10. \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Dist. \_\_\_\_\_

11. \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Dist. \_\_\_\_\_

12. \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Dist. \_\_\_\_\_

Application made by Geo. C. Bell (husband) Stenographer Bl. Jones,On Wallace roll Maggie Barnes

X Ref. F. D. 99 matter Albert, etc.

COMMISSION TO THE UNITED STATES  
DEPARTMENT OF THE INTERIOR

SS 180  
FILED  
D

Winnipeg, Manitoba, Nov. 10, 1901.

Received of the Attorney General of the State of Illinois one  
copy of the original testimony in the case of the application of  
Mattie Bell for naturalization in the case of the "Thompson" action.  
and one copy of the original testimony in the case of the appli-  
cation of Robert D. ...  
of the record in the case of Mattie Bell.

\_\_\_\_\_  
Attorney for Applicant.

Cherokee P. Blair.

70183



COMMISSIONERS:

HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKENRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Vinita, Indian Territory, May 15th, 1901.

Received of the Commission to the Five Civilized Tribes one copy of the original testimony in the matter of the application of Mattie Bell for enrollment as a Freedman of the Cherokee Nation, and one copy of the original testimony in the matter of the application of Robert Barnes; said testimony having been made a part of the record in the case of Maggie Bell.

A. S. McLean  
Attorney for Applicant.

Cherokee F. #D182.

COPY.

Cherokee F. D-182

Muskogee, Indian Territory, January 11, 1904.

George C. Bell,

Dora, Arkansas.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 11, 1904, rejecting, among others, your application for the enrollment of your wife, Maggie Bell, and your minor child, George L. Bell, as Cherokee Freedmen. There has heretofore been furnished your attorney A. S. McRea, Muskogee, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

*I. B. Needles.*

Enc. D-44

Register.

Commissioner in Charge.

Cherokee Freedmen  
D-42, et al.

Muskogee, Indian Territory, January 11, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Martha Albert et al., including the Commission's decision, dated January 11, 1904, rejecting the applications for the enrollment of Martha Albert, Elijah Albert, Ida Albert, Robert Barnes, Lula Knalls, Sarah French, Fred E. Knalls, Nancy Berkum, Annie Berkum, Walter Berkum, Henry Albert, Harry Albert, Raymond Albert, Lowey Albert, John Barnes, Gussie A. Barnes, John A. Barnes, Jerry Albert, Lillie White, Mattie White, Nancy White, Amos White, Malinda McLain, Samuel McLain, Ella McLain, Christiana McLain, Charles McLain, Turner McLain, Jennetta McLain, Frank Gardner, Joshua Barnes, Sarah Brown, Maggie Williams, Minnie Barnes, Maggie Bell and George L. Bell, as Cherokee freedmen.

Respectfully,

T. B. Hodges

Commissioner in Charge.

Through the  
Commissioner of Indian Affairs.

Enc. D-42.

COPY:

Cherokee Freedmen  
B-42, et al.

Muskogee, Indian Territory, January 11, 1904.

W. V. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 11, 1904, in the consolidated case of Martha Albert et al., rejecting the applications for the enrollment of Martha Albert, Elijah Albert, Ida Albert, Robert Barnes, Lula Knalls, Sarah French, Fred E. Knalls, Nancy Barnes, Annie Barnes, Walter Barnes, Henry Albert, Harry Albert, Raymond Albert, Lewis Albert, John Barnes, Gussie A. Barnes, John A. Barnes, Jerry Albert, Lillie White, Mattie White, Nancy White, Jess White, Malinda McLain, Samuel McLain, Ella McLain, Christina McLain, Charles McLain, Turner McLain, Jennetta McLain, Frank Gardner, Joshua Barnes, Sarah Brown, Maggie Williams, Minnie Barnes, Maggie Bell and George L. Bell, as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be

made known to you as soon as the Commission is informed of the same.

Respectfully,

*T.B. Needles.*

Rne. T-31

Commissioner in Charge.



COPY.

Cherokee Freedmen  
D-42, et al.

Muskogee, Indian Territory, January 11, 1904.

A. S. McRea,

Attorney for Cherokee Nation,  
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 11, 1904, in the consolidated case of Martha Albert et al., rejecting the applications for the enrollment of Martha Albert, Elijah Albert, Ida Albert, Robert Barnes, Lula Khalls, Sarah French, Fred E. Khalls, Nancy Berkun, Annie Berkun, Walter Berkun, Henry Albert, Harry Albert, Raymond Albert, Leway Albert, John Barnes, Gussie A. Barnes, John A. Barnes, Jerry Albert, Lillie White, Mattie White, Nancy White, Amos White, Malinda McLain, Samuel McLain, Ella McLain, Christiana McLain, Charles McLain, Turner McLain, Jeannetta McLain, Frank Gardner, Joshua Barnes, Sarah Brown, Maggie Williams, Minnie Barnes, Maggie Bell and George L. Bell as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior

-2-

for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

*I. B. Needles.*

Enc. D-30  
Register.

Commissioner in Charge.

Refer in reply to the following:

COPY

Land 3385-1904.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, June 9, 1904.

In re

Application for enrollment

as Cherokee Freedmen, viz:

|                        |          |
|------------------------|----------|
| Martha Albert, et al.  | F.D. 42  |
| Robert Barnes, et al.  | F.D. 99  |
| Lula Knalls, et al.    | F.D. 100 |
| Nancy Perkins, et al.  | F.D. 101 |
| Henry Barnes, et al.   | F.D. 102 |
| John Barnes et al.     | F.D. 103 |
| Jerry Albert           | F.D. 104 |
| Lillie White, et al.   | F.D. 105 |
| Malinda McLean, et al. | F.D. 114 |
| Frank Gardner          | F.D. 144 |
| Joshua Barnes          | F.D. 180 |
| Sarah Brown et al.     | F.D. 181 |
| Minnie Barnes          | F.D. 182 |
| Maggie Ball, et al.    | F.D. 182 |

Consolidated.

The Honorable,

The secretary of the Interior.

Sir:

I have the honor to transmit herewith the record of proceedings had before the Commission to the Five Civilized Tribes in the above consolidated cases of Martha Albert et al., affecting the rights of thirty six applicants for enrollment as Cherokee freedmen. The Commission by its decision, dated January 11, 1904, denied the application of all the applicants in the above named cases, to be enrolled as Cherokee freedmen.

The record shows that applications for enrollment as Cherokee freedmen were made to said Commission by Martha Albert for herself and minor children Elijah Albert and Ida Albert; by Robert Barnes for himself; by Lula Knalls for herself and minor children, Sarah French and Fred E. Knalls; by Nancy Berkum for herself and minor children, Annie Berkum and Walter Berkum; by Henry Albert for himself and minor children, Harry Albert and Raymond Albert; that subsequent to the date of the original application a birth affidavit, which is made a part of the record, was filed with the Commission, showing the birth of Lewey Albert; by John Barnes for himself and minor child, Gussie A. Barnes, that subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission, showing the birth of John A. Barnes; by Jerry Albert for himself; by Lillie White for herself and minor children, Mattie White and Nancy White; that subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission, showing the birth of Anos White; by Charles McLain for his wife, Malinda McLain and his minor children, Samuel, Ella, Christian, Charles, Turner and Jennetta McLain; by Frank Gardner for himself; by Joshua Barnes for himself; by Sarah Brown for herself and minor child, Maggie Williams; by Minnie Barnes for herself; by George C. Bell for his wife Maggie Bell, that subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission, showing the birth of George L. Bell. Claimants base their contention for a right to be

enrolled as Cherokee freedmen upon the claim made that the principal applicant Martha Albert and her sister, Jennie Barnes, now deceased, from whom the other applicants claim descent, were at the commencement of the War of the Rebellion the slaves of one Johnson Whitmire, a Cherokee citizen; that during the war these alleged slaves, Martha Albert and Jennie Barnes went South to Red river in the Choctaw Nation where they remained until the fall of 1866 when they claim to have returned with one Ellis Harlin to the Cherokee Nation and settled with him on the Sale Starr place near Cherokee Junction. The evidence adduced shows that Johnson Whitmire and George Whitmire, brothers and Cherokee citizens, owned before the war several slaves, designated as the "Whitmire darkies." The attempt to identify Martha Albert and Jennie Barnes as one of the "Whitmire darkies" at the commencement of the war has signally failed.

Watt Whitmire, son of Johnson Whitmire, who claims to have known the names of all the slaves of his father, testified that he had no recollection of any two female girl slaves named Martha and Jennie and cannot even recall the fact that his father ever owned a slave named Nancy Whitmire, the mother of said girls. Harry Still whose master was George Whitmire, neighbor to Johnson Whitmire who only lived four miles distant and knew all the colored people raised by Johnson Whitmire; testified positively that Johnson Whitmire did not own a slave named Nancy Whitmire nor a slave named Martha Whitmire. J. W. Albert who lived in the Going Snake district, Cherokee Nation



-4-

before the war and who well knew Johnson Whitmire from whom he lived a distance of ten or twelve miles, testified, that the Whitmire boys, George Whitmire and Johnson Whitmire, at the time they divided up their property in 1847 sold a slave named Nancy Whitmire with her whole family to a man named Dillingham who moved them with his family right across the line into Arkansas at a town called Dutch Town or Salem where he remained until he moved to Texas in 1850-1; that he knew the darkies "better after Dillingham got them than I did before" and that Dillingham only lived five miles from where witness then lived. It is evident that the principal applicant Martha Albert and her sister Jennie Barnes were living in Arkansas instead of the Choctaw Nation at the close of the war as Jennie Barnes' husband testified that he married her in November, 1866, at Fort Smith, Arkansas, where it appears Jennie Barnes was hired out and where her husband worked much of his time after marriage. Martha Albert claims to have married her husband in the Choctaw Nation during the war while her husband denies having married her until after his return to the Cherokee Nation. The death of Nancy Whitmire, the mother of the principal applicant Martha Albert, is shown to have occurred in 1866 but the place of her burial is not definitely shown. The belief that the principal applicant, Martha Albert was living in Arkansas and not in the Choctaw Nation as alleged by her, is further strengthened by the testimony of Mrs. Ruth Hunt nee Ruth Harlin and Mrs. Emma Finley nee Emma Harlin, daughters of Ellis Harlin

with whom it is claimed Nancy Whitmire and her two daughters, Martha and Jennie returned from the Choctaw Nation to the Cherokee Nation in November 1866. Mrs. Hunt and Mrs. Finley testify positively to the fact that their father Ellis Harlin did not return to the Cherokee Nation until February or March 1867, and that no colored people returned in his company, that the first time they ever saw Martha Albert was in the "summer of 1867" when their father "went over in Arkansas somewhere towards Van Buren and hired the man to come and work", that the man's name was Albert and his wife's name was Martha, that neither the man nor his wife ever claimed to have once been the slaves of Johnson Whitmire whom witnesses knew before the war, nor did either claim to be a Cherokee freedmen that they ever heard of, until the roll was taken at Vinita in 1896 and applicants are identified as former hired help. John Melton testified that Martha Albert's husband told him, "he found her at the Harlin place." If that be true and Martha Albert admits that on her return she first settled on the Gale Starr place on which Ellis Harlin lived it is evident that she did not return to the Cherokee Nation until the "summer of 1867." In view of all the facts and circumstances of this case, this office is of the opinion that the principal applicant Martha Albert and her sister Jennie Barnes now deceased, of whom the other applicants claim to be descendants, were not the slaves of Cherokee citizens at the commencement of the War of the Rebellion nor were they free colored persons in the Cherokee Nation at the commencement of the rebellion and even had

they been, which is denied, it is shown that they went out of the Cherokee Nation and did not return thereto prior to February 11, 1867, in contravention of the treaty of July 19, 1866, which provides:

"All freedmen who have been liberated by voluntary act of their former owners or by law, as well as all free colored persons who were in the country at the commencement of the rebellion and are now residents therein, or who may return within six months, and their descendants, shall have all the rights of Native Cherokees."

As the burden of proof lies upon claimants to establish their rights to recognition as Cherokee freedmen under the provisions of the treaty of July 19, 1866, and as they have failed to bring themselves within its purview, it follows that all of the foregoing applications as Cherokee freedmen must be denied.

We come now to the discussion of another point involved. It appears of record that the names of Martha Albert and her minor children Elijah and Ida are found upon the Kerns-Clifton roll while the names of several of the descendants are found upon the Wallace roll. None of the applicants names are to be found upon the authenticated roll of 1880 nor upon the census roll of 1896.

Attorney for applicants contends that as the name of Martha Albert and her minor children, Elijah and Ida appear upon the Kerns-Clifton roll, that such fact is conclusive of their rights as Cherokee freedmen and pleads res adjudicata to any action by the Commission. Such contention can not be maintained. Congress by Act of June 28, 1896, Sec. 21, directed the commission

to the five Civilized Tribes as follows:

"It shall make a roll of Cherokee freedmen in strict compliance with the decree of the Court of Claims rendered the third day of February eighteen hundred and ninety-six."

The Court in its decree of February 3, 1896 (See P.4), instructed said Commission as follows:

"The said Commissioners in ascertaining the identity of the freedmen entitled to share under the decree, shall accept that is known as the authenticated Cherokee roll, the same now being on file in the office of the Secretary of the Interior, having been furnished to him and purporting to have been taken by the Cherokee Nation in 1880 for the purpose of showing the number of freedmen then entitled to citizenship in the said nation under the terms of the treaty between the United States and the Cherokee Nation hereinbefore referred to, and their descendants, and no evidence shall be accepted by said commission tending to disprove the citizenship of any of the persons whose names appear upon said roll", and supplementary thereto, Sec. 21, of the Act of June 28, 1890, states squarely the proposition that the roll of Cherokee citizens of 1880 (not including freedmen) is "the only roll intended to be confirmed by this and preceding Acts of Congress", thus in effect declaring that the plea of res adjudicata can not prevail unless the name of the applicant appears upon the authenticated roll of 1880 - which is not here claimed. Neither the fact of claimant's name appearing upon the Kerna-Clifton roll nor the fact of the names of her descendants

-8-

appearing upon the Wallace roll, constituted any bar to further action by the Commission, as the Commission was expressly empowered by sec. 21 of the Act of June 28, 1898, to "investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto." Thus the Commission was left free to act, as upon a new inquiry, to determine what freedmen, omitted from the roll of 1880 but "whose names are found on any other rolls" are entitled to the benefit of Article IX of the treaty of 1866. For the foregoing reasons, I concur in the opinion of the Commission that the applications for enrollment of Martha Albert, Elijah Albert, Ida Albert, Robert Barnes, Lula Knalls, Sarah French, Fred E. Knalls, Nancy Borkum, Annie Borkum, Walter Borkum, Henry Albert, Harry Albert, Raymond Albert, Lewoy Albert, John Barnes, Gussie A. Barnes, John A. Barnes, Jerry Albert, Lillie White, Mattie White, Nancy White, Amos White, Malinda McLain, Samuel McLain, Ella McLain, Christian McLain, Charles McLain, Turner McLain, Jennetta McLain, Frank Gardner, Joshua Barnes, Maggie Bell and George L. Bell, as Cherokee freedmen, should be denied under the provisions of sec. 21 of the Act of Congress approved June 28, 1898 (30 Stats., 496), and it is recommended that the decision of the Commission therein, dated January 11, 1904, be affirmed.

Very respectfully,

A. C. Tonner,

Acting Commissioner.



D.C. 11475-1904

W.C.F.

I.T.D. 4728-1904.

J.P.

L R R

THE

DEPARTMENT OF THE INTERIOR,

WASHINGTON, June 21, 1904.

Commission to the Five Civilized Tribes,

Langhoo, Indian Territory.

Gentlemen:

January 11, 1904, you transmitted the record in the consolidated case embracing the applications of Martha Albert et al (F.D. 42), for enrollment as Cherokee freedmen, including your decision of the same date, rejecting the applications.

Reporting June 9, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department affirms your decision, for the reasons stated therein.

Respectfully,

(Signed) R. A. Hitchcock,  
Secretary.

1 inclosure.

COMMISSIONERS  
TAMM SIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE

WM. O. BEALL,  
SECRETARY

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING  
**Cherokee Freedmen**  
D-42 et al.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 28, 1904.

*Copy*

W. W. Hastings,  
Attorney for the Cherokee Nation,  
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated January 11, 1904, rejecting the applications for the enrollment of Martha, Elijah and Ida Albert; Robert Barnes; Lula Knalls, Sarah French, and Fred E. Knalls; Nancy, Annie and Walter Borkum; Henry, Harry, Raymond and Lewey Albert; John, Gussie A., and John A., Barnes; Jerry Albert; Lillie, Mattie, Nancy, and Amos White; Malinda, Samuel, Ella, Charles, Turner, Jennetta, Christiana, McLain; Frank Gardner; Joshua Barnes; Sarah Brown, Maggie Williams; Minnie Barnes; Maggie, George L. Bell; was affirmed by the Secretary of the Interior on June 21, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen

D-122.

Muskogee, Indian Territory, June 28, 1904.

Maggie Bell,

Dora, Arkansas.

Dear Madam:

You are hereby advised that the Commission's decision, dated January 11, 1904, rejecting, among others, your application for the enrollment of yourself and one minor child, George L. Bell, as Cherokee Freedmen, was affirmed by the Secretary of the Interior on June 21, 1904.

Respectfully,

Commissioner in Charge.

Sherokee Freedmen

W-42 81 21

Muskogee, Indian Territory, June 22, 1904.

A. S. Holmes,

Attorney for Martha Albert, et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated January 11, 1904, rejecting the applications for the enrollment of Martha, Elijah, Ida, Albert, Robert Barnes, Lula Knalls, Sarah French, Fred E. Knalls, Henry, Harry, Raymond, Lowey, Albert, John, Gurnea, John A., Barnes, Jerry Albert, Lillie, Mattie, Nancy, Ance, White, Malinda, Samuel, Ella, Charles, Turner, Jennetta, Christians, McLean, Frank Gurnea, Joshua Barnes, Sarah Brown, Maggie Williams, Minnie Barnes, Maggie, George L., Bell, Nancy, Annie, Walter, Borkum, was affirmed by the Secretary of the Interior on June 21, 1904.

Respectfully,

Commissioner in Charge.

W. C. F.  
FHE.

DEPARTMENT OF THE INTERIOR,

D. C. 16475-1906  
I. T. D. 1332-1906.

WASHINGTON, March 23, 1906.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

The Department has considered a motion filed by attorneys Neal and London, of Fort Smith, Arkansas, dated December 10, 1904, to reopen the Cherokee enrollment case of Martha Albert, et al.

January 11, 1904, you decided that the applicants in said case were not entitled to enrollment, and on June 21, 1904, your decision was approved by the Department.

The attorneys desire the case reopened in order that newly discovered evidence may be introduced to show that previous to the breaking out of the war Johnson Whitmire owned two slaves by the name of Martha; that prior to the breaking out of the war one of said slaves was sold to a man named Dillingham who lived in Arkansas; that she married a man named Williams; that the other Martha, known as "Little Martha", who is one of the applicants in the case of Martha Albert, et al, married a man named Albert who lived in the Cherokee Nation. It is claimed by said attorneys that the evidence introduced by the Cherokee



-2-

Motion at the original hearing does not apply to the applicant herein.

It appears from the motion and the affidavits submitted that the case should be reopened. The motion is hereby granted. You will so notify the applicants and their attorneys and the attorney for the Cherokee Nation, and allow a reasonable time for the introduction of additional testimony, after which you will readjudicate the case.

The motion, the record and other papers in the case are inclosed.

Respectfully,

(Signed) E. A. Hitchcock

Secretary.

6 inclosures.

COPY.

Cherokee Freedmen

N-418, et al.

Muskogee, Indian Territory, April 8, 1905.

Neal & Landon,

Attorneys for Martha Albert, et al.,

Fort Smith, Arkansas.

Gentlemen:

In the matter of the applications for the enrollment of Martha Albert, et al., as Cherokee freedmen, you are advised that the Commission is in receipt of departmental letter of March 25, 1905 (I.T.D. 1332-1905), remanding this case for rehearing and readjudication.

The applicants have, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, April 20, 1905, and introduce such testimony as they may desire in support of their said applications. You are advised that the Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in these cases.

For your information there is herewith inclosed a copy of departmental letter referred to.

Respectfully,

*I. B. Needles.*

Commissioner in Charge.

Incl. N-41,  
Register.

COPY.

Cherokee Freedmen

B-418, et al.

Washkgee, Indian Territory, April 8, 1905.

Bell, Hastings & Davenport,  
Attorneys for the Cherokee Nation,  
Washkgee, Indian Territory.

Gentlemen:

In the matter of the applications for the enrollment of Martha Albert, et al., as Cherokee freedmen, you are advised that this Commission is in receipt of Departmental letter of March 28, 1903 (I.T.D. 1330-1903), remanding this case for rehearing and readjudication.

The applicants have, therefore, this day been directed to appear before the Commission at its office in Washkgee, Indian Territory, at nine o'clock A. M. on Thursday, April 20, 1905, and introduce such testimony as they may desire in support of their said applications. You are advised that the Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in these cases.

For your information there is herewith inclosed a copy of departmental letter referred to.

Respectfully,

(SIGNED) *T. B. Needles.*

Commissioner in Charge.

Incl. B-41

Muskogee, Indian Territory, June 22, 1905.

Commissioner in Charge,

Cherokee Land Office,

Tahlequah, Indian Territory.

Dear Sir:

In regard to Cherokee Freedman card R-431, the records in the General Office show that the application for the enrollment of Maggie Bell and her son, George L. Bell, on said card, was refused by the Commission, and the action approved by the Secretary of the Interior on June 21, 1904. The records here further show that on March 20, 1905, the matter of this application was remanded by the Secretary of the Interior for further hearing.

From inquiries made here it is found that the Cherokee Land Office at Tahlequah has not been informed concerning the cases that have been remanded by the Secretary of the Interior for further hearing. In order that your duplicates may correspond with the cards here, you are requested to notify the General Office, as soon as practicable, what enrollment cards in your office show cases as having been remanded by the Secretary of the Interior, and not disposed of, when the missing information will be furnished you.

Respectfully,

Chairman.

Cherokee Freedmen  
# 431

COPY.

Muskogee, Indian Territory, July 24, 1905

Maggie Bell,

Dora, Arkansas.

Dear Madam:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated July 24, 1905, denying your application for the enrollment of yourself and your child, George L. Bell, as Cherokee Freedmen. There has heretofore been furnished your attorneys, Neal and London, Fort Smith, Arkansas, a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commissioner's decision.

The decision, with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

(SIGNED) *James Bixby.*

Incl. B-54

Comptroller



Cherokee Freedmen

5977

R 418 et al.

Muskogee, Indian Territory, July 24, 1905

Bell, Hastings and Davenport,  
Attorneys for the Cherokee Nation,  
Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith the decision of the Commissioner to the Five Civilized Tribes, dated July 24, 1905, rejecting the applicants for enrollment as Cherokee Freedmen embraced in the consolidated cases of Martha Albert et al., C.F.R. 418, Robert Barnes, C.F.R. 419, Lula Knalls et al., C.F.R. 420, Nancy Borkum et al., C.F.R. 425, Henry Albert et al., C.F.R. 421, John Barnes et al., C.F.R. 422, Jerry Albert, C.F.R. 423, Lillie White et al., C.F.R. 424, Malinda McLain et al., C.F.R. 426, Frank Gardner, C.F.R. 430, Joshua Barnes, C.F.R. 427, Sarah Brown et al., C.F.R. 428, Minnie Barnes, C.F.R. 429, and Maggie Bell et al., C.F.R. 431. You have heretofore been furnished with a copy of the record of proceedings.

Bell, Hastings & Davenport, -2

The decision, with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED:

*Tame Dixby.*

Incl. B-36

Committed over

Cherokee Freedman  
R 418 et al.

COPY.

Muskogee, Indian Territory, July 24, 1905

Neal and London,

Attorneys for Martha Albert et al.,  
Fort Smith, Arkansas.

Gentlemen:

There is inclosed herewith the decision of the Commissioner to the Five Civilized Tribes, dated July 24, 1905, rejecting the applicants for enrollment as Cherokee Freedmen embraced in the consolidated cases of Martha Albert et al., C.F.R. 416, Robert Barnes, C.F.R. 419, Lula Knalls et al., C.F.R. 420, Nancy Borkum et al., C.F.R. 425, Henry Albert et al., C.F.R. 421, John Barnes et al., C.F.R. 422, Jerry Albert, C.F.R. 423, Lillie White et al., C.F.R. 424, Malinda McLain et al., C.F.R. 426, Frank Gardner, C.F.R. 430, Joshua Barnes C.F.R. 427, Sarah Brown et al., C.F.R. 428, Minnie Barnes, C.F.R. 429, and Maggie Bell et al., C.F.R. 431. You have heretofore been furnished with a copy of the record of proceedings.

Neal and London--2.

The decision, with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED.

*Tams Bixby.*

Commissioner

Incl. B-38

COPY.

Cherokee Freedman R 418 et al.

Muskogee, Indian Territory, July 24, 1905

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the applications for the enrollment as Cherokee Freedmen of Martha Albert, Elijah Albert, Ida Albert, Robert Barnes, Lula Knalls, Sarah French, Fred E. Knalls, Nancy Borkum, Annie Borkum, Walter Borkum, Henry Albert, Harry Albert, Raymond Albert, Lewey Albert, John Barnes, Gussie A. Barnes, John A. Barnes, Jerry Albert, Lillie White, Mattie White, Nancy White, Amos White, Malinda McLain, Samuel McLain, Ella McLain, Christiana McLain, Charles McLain, Turner McLain, Jennetta McLain, Mattie McLain, Frank Gardner, Joshua Barnes, Sarah Brown, Maggie Williams, Minnie Barnes, Maggie Bell and George L. Bell, including the decision of the Commissioner to the Five Civilized Tribes dated July 24, 1905, rejecting said applications.

On January 11, 1904, the Commission to the Five Civilized Tribes rendered its decision denying said applicants,



Secretary--2.

excepting Mattie McLain, whose rights to enrollment were not at that time considered, and on June 21, 1904 (I.T.D. 4732-1904), said decision was affirmed by the Department. On March 25, 1905 (I.T.D. 1332-1905), this case was re-opened by the Department, and remanded for further hearing and readjudication.

Respectfully,

(SIGNED):

*Tams Dixby*  
Commissioner

Through the

Commissioner of Indian Affairs.

Incl. B-22

LAND:  
59345-1905.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

August 12, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes, dated July 24, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Martha Albert for herself and her minor children, Elijah and Ida Albert; by Robert Barnes for himself; by Lula Knalls for herself and her minor children, Sarah French and Fred E. Knalls; by Nancy Borkum for herself and her minor children, Annie and Walter Borkum; by Henry Albert for himself and his minor children, Harry, Raymond and Lewey Albert; by John Barnes for himself and minor children, Gussie A. and John A. Barnes; by Jerry Albert for himself; by Lillie White for herself and her minor children, Mattie, Nancy, and Ames White; by Charles McClain for his wife, Malinda McClain, and his minor children, Samuel, Ella, Christiana, Charles, Turner, Jennetta and Mattie McClain; by Frank Gardner for himself; by Joshua Barnes for himself; by Sarah Brown for herself and minor child, Maggie Williams; by Minnie Barnes for herself, and by George C. Bell for his wife, Maggie Bell, and his minor child, George L. Bell.

July 24, 1905, the Commission decided adversely to all the applicants.

The record shows that on January 11, 1904, the Commission rendered a decision denying these applicants, except Mattie McClain inadvertently omitted, and that on June 21, 1904, the decision was affirmed by the Department; that thereafter, on March 25, 1905 (I.T.D. 1332-1905) the Department reopened and remanded the case for further testimony and readjudication.

The record further shows that the applicant, Martha Albert and Jennie Barnes, deceased, were full sisters, and were born prior to the beginning of the war of the rebellion; that all the other applicants were born since the beginning of the war, are lineal descendants of the applicant, Martha Albert and Jennie Barnes, deceased, and possess no rights to enrollment other than as such descendants.

It is further shown that the applicant, Martha Albert and Jennie Barnes, deceased, were neither the slaves of a Cherokee citizen, nor free colored persons residing in the Cherokee country at the beginning of the war of the rebellion, and that they did not return to the Cherokee Nation on or before February 11, 1867.

Excepting the Wallace and Kern-Clifton, none of the applicants is identified on any roll of the Cherokee Nation.

In view of the record the approval of the Commission's decision adverse to all of the applicants is recommended.

Very respectfully,  
G. F. Larrabee,  
Acting Commissioner.

M.M.M.  
V.

-COPY-

G.R.

DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

D.C. 22958.  
I.T.D. 4732-1904.  
1332-1905.  
8789- "  
10288- "  
L.R.S.

June 2, 1905.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

July 24, 1905, you transmitted the remanded record with your readjudication in the matter of the consolidated applications for the enrollment of Martha Albert et al. as Cherokee freedmen, including your decision of same date, adverse to all the applicants.

August 12, 1905, the Acting Commissioner of Indian Affairs reporting thereon, recommended that your decision dated July 24, 1905, adverse to all the applicants named in his said letter, be approved. A copy of his letter, including the names of applicants affected by this decision, is inclosed.

The Department concurs in the recommendation made and your decision dated July 24, 1905, denying the application for the enrollment of Martha Albert and others named in Indian Office letter of August 12, 1905, is hereby affirmed.

A motion for review of said decision filed with the Department on September 7, 1905, by Messrs. Blue & Bulger and

-2-

McGowan, Serven & Mohun, attorneys for moving parties therein,  
is hereby denied.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

1 inclosure.



COPY.

Cherokee Freedmen  
R 416

Muskogee, Indian Territory, June 18, 1906.

Neal & Landon,  
Attorneys for Martha Albert,  
Ft. Smith, Arkansas.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes dated July 24, 1905, rejecting the applications of Martha Albert et al, for enrollment as Cherokee freedmen, was affirmed by the Secretary of the Interior June 2, 1906, and that a motion filed September 7, 1905, for a review of said case is denied.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

RECORDED.

*Tams Dixby*  
Commissioner.

Incl. P-18  
MD

Cherokee Freedman  
R 431

COPY.

Muskogee, Indian Territory, June 15, 1906.

Maggie Bell,  
Dora, Arkansas.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes dated July 24, 1905, rejecting, among others, your application for the enrollment of yourself and child as Cherokee freedmen, was affirmed by the Secretary of the Interior June 2, 1906, and that a motion for review of your case filed September 7, 1905, is denied.

Respectfully,

RECORDED.

*Tame Bixby.*  
Commissioner.

MT

Cher. Fr. R. 432

Cher. Fr. R. 432

San Riley 6

1899 was the census year of 1900, but as full identification was  
not given to the census taker; he made satisfactory proof  
as to his residence in 1900. In this case as far as con-  
clusive to the effect that the applicant referred to was there  
in 1900, but by reason of the protest of the Theron  
Association, he will now be placed upon a doubtful card, until the  
further consideration of the commission; he will be noti-  
fied by mail of the decision of the commission when the card  
is arrived at.

M. D. Benson, being first duly sworn, states that as interpreter of the  
Commission to the Five Civilized Tribes he correctly reported the  
testimony and proceedings in this case and that he is ready to  
give a complete transcript of the proceedings in this case.

Subscribed and sworn to before me this July 24th, 1901.



Commissioner.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
June 24, 1901, Nowata, I. T.

In the matter of the application of Sam Riley for the enrollment of himself as a Cherokee Freedman; being sworn and examined by Commissioner Needles, he testified as follows:

Appearances:

Mr. Lewis Brown, for the applicant;  
Messrs. Hastings and Davenport, for the Cherokee Nation.

(Mr. Lewis Brown states that he is representing Messrs. Mellette & Smith in their absence.)

- Q What is your name? A Sam Riley.  
Q How old are you? A About 64.  
Q What is your post-office address? A Hayden Post-office.  
Q What district do you live in? A Cooweescoowee.  
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.  
Q Do do you want to enroll besides yourself? A Just myself.  
Q Are you married? A No sir.  
Q Your name on any of the rolls of the Cherokee Nation? A Yes sir I think so.  
Q What rolls? A Ought to be on the Wallace and the Clifton roll, and on the 1880 roll.  
Q On the 1880 roll? A It ought to be on there.  
Q Is it on there? A I don't know sir, whether it is or not.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not identified;

- Q Did you draw what is known as the Strip money? A Yes sir, I drew.

Kern-Clifton roll of citizens of the Cherokee Nation examined page 137 #3410 Samuel Riley, Cooweescoowee District;  
Wallace roll of citizens of the Cherokee Nation examined and applicant identified on  
page 135 #2619 Samuel Riley, Cooweescoowee District;  
1896 census roll of citizens of the Cherokee Nation, examined for applicant and name not found;

- Q Were you a slave? A Yes sir.  
Q Who did you belong to? A Nancy Riley.  
Q Was a Cherokee citizen? A Yes sir.  
Q Did you go out of the Cherokee Nation during the war? A Yes sir.  
Q Where to? A Ft. Scott.  
Q When did you come back? A In '66, in the fall of the year.  
Q Been here ever since? A Yes sir.  
Q Ft. Scott, Kansas? A Yes sir.  
MR. LEWIS BROWN, I don't think of anything to ask him, Colonel.  
BY MR. DAVENPORT:

- Q Were you say you went during the war? A Ft. Scott.  
Q How long did you stay at Ft. Scott? A I stayed there about three or four years.  
Q Who did you stay with when you was there? A I drove a Government team while.  
Q You didn't belong to the army? A I drove in the army.  
Q Where were you living when the war broke out? A I was living down in Tahlequah.  
Q With whom were you living? A Nancy Riley.  
Q Was Nancy Riley before she married? A She was Sam Riley's wife.  
Q Who was she before she married Sam Riley? A She was John Ross's niece.



San Riley 2

Q You were living there when the war broke out? A Yes sir, there at Tahlequah.

Q Then you went to Ft. Scott? A Yes sir.

Q Who did you go to Ft. Scott with? A With Ben Sanders.

Q How far did you live from Tahlequah when the war broke out? A About 2 miles and a half.

Q What direction? A South.

Q Near what place did you live? A I lived close to Bartholf's.

Q When you returned to the Cherokee Nation to what point did you return? A Way to Lightning Creek.

Q Who was living on Lightning Creek at that time? A Mariah Hayden.

Q Who else? A I come down with old man Mose, we all come down together.

Q What was living there when you got down there? A We all come together up there and settled.

Q Was nobody living down there at all on Lightning Creek when you came back from Kansas after the war? A No sir, wasn't nobody.

Q Mariah Hayden wasn't living there? A Yes sir, she was, she wasn't living there, but moved there on Lightning Creek.

Q Did she come with you or come before you did? A No, we all come together.

Q Who was it come with you? A Old man Mose Whitmire, Lewis Whitmire, Nelse Whitmire.

Q Any one else? A Dennis.

Q Any one else? A Aaron Whitmire.

BY MR. HASTINGS:

Q Did he come with you? A Yes sir, and old man Major Wright.

BY MR. DAVENPORT:

Q You say Aaron Whitmire, Aaron Wright came with you at the time you came back from Ft. Scott? A Yes sir.

Q What was the first trip you made to the Cherokee Nation when Aaron came with you? A Yes sir.

Q So whatever time Aaron came you came, A Yes sir.

Q What time of the year was it when you came? A I don't know exactly what time it was; it seems like it was long in the fall, it has been 35 years.

Q Do you know what year it was you came? A Along in the fall of '66.

Q What makes you remember it was in the fall of '66? A Because I remember.

Q What year was the Kern-Clifton roll made? A I don't know sir, what year that is.

Q What year was the Wallace roll made? A I don't know.

Q What year is this, the present year? A This here is June I guess, or July one.

Q That is the month? A I don't know.

Q Had any of the Whitmires been down here before you came after the war? A No sir.

BY MR. HASTINGS:

Q Had they built any houses down there on Salt Creek? A No sir.

Q Had started no improvements when you came? A No sir.

Q You came when they brought their families down here? A Yes sir.

BY MR. DAVENPORT:

Q Why didn't you come on the roll of 1860? A I don't know sir.

Q Did you ever try to have it put on? A Yes sir.

Q Were, by the authorities at Tahlequah? A Yes sir.

Q But didn't get on? A No sir.

BY MR. HASTINGS:

Q You didn't introduce Mose or Lewis Whitmire before as witnesses before the Kern-Clifton Court? A Nobody didn't witness for them at the Clifton court, I went in and gave my testimony, when I belonged to.

Q And you were the only witness at that time? A Yes sir.

Q By direct examination, you state that you were the only witness at that time? A Yes sir.

San Riley 3

didn't call them, I had them already picked out, they didn't call on me.

MONTE WHITBURN, being sworn by Com'r Needles, testified as follows:

BY MR. BROWN:

Q State your name? A Monte Whitburn.

Q Your age? A 70 some odd years old, I don't know my exact age.

Q Are you a Cherokee Freedman? A Yes sir.

Q Does your name appear upon the authenticated roll of 1860?

A Yes sir.

Q Do you know the applicant here? A Yes sir, I know him.

Q To whom did he belong at the beginning of the civil war? A I don't know about his owners.

Q Did you see him for the first time after the close of the civil war, if at all? A I saw him all the time after the close of the war.

Q Well the first time you saw him after the war, where was that? A That was up in Kansas.

Q After the close of the war? A Yes sir.

Q Where did you next see him? A I brought him down with me, when I come, him and his old lady.

Q In what year was that? A '66.

Q Where has he lived ever since? A Right there on Lightning Creek ever since.

Q You are the Trustee for the Cherokee Freedmen? A I don't know about that.

Q You were? A Yes sir.

BY MR. DAVENPORT:

Q Who came with you when you came down and brought this fellow?

A There was a lot of them come down at the same time I did at that time.

Q Was that the first trip you made back to the Territory when you brought him? A No sir, it was the second, last trip I made.

Q It was about the third trip you made back from Kansas when you brought him? A About the last one, yes, last one I made when I brought him; his wife was my wife's aunt, and they had nothing but themselves.

Q What families came with you at the time you brought him and his wife? A There was Lewis and Aaron, and Lewis Harlin, Dennis and brother Nelson that is dead, and several of us come at that time.

Q Lewis had been down before at one time with you and looked out a location? A Yes sir.

Q Dennis also? A Yes sir.

Q And your brother Nelson, that's dead, had been down before?

A Yes sir.

Q But what families came with you that hadn't been to the Nation before? A There wasn't none that came with us then; there were some ahead of us and some behind us.

BY MR. HASTINGS:

Q This man went to Tahlequah with you when you was all getting on the roll? A Not that I know of he didn't, not with us.

Q You don't know of his going down there and applying to the court? A No sir, I don't.

LEWIS WHITBURN, being sworn by Com'r Needles, testified as follows:

BY MR. BROWN:

Q Give your name? A Lewis Whitburn.

Q How old are you? A 32.

Q Are you a recognized Freedman of the Cherokee Nation? A Yes sir.

Sam Riley 4

- Q Does your name appear upon the authenticated roll of 1880? A Yes sir.
- Q Do you know the applicant here, A Yes sir.
- Q By Cn'r Needles: The applicant, Sam Riley? A Yes sir.
- Q By Mr. Brown: To whom did he belong at the beginning of the civil war? A He belonged to Nancy Riley.
- Q Was Nancy Riley a citizen of the Cherokee Nation, by blood at that time? A I think she was.
- Q Did the applicant here, Sam Riley, go out of the country at that time, during the war? A Yes sir.
- Q When did he return? A He returned with old man Hesse Rixx Whitmire the last trip he made he brought him.
- Q When was that? A It was in the winter of '66, I don't know exactly what time.
- Q Did you see him then in the Cherokee nation in the winter of '66? A Yes sir, he has been living neighbor to me since that time.
- BY MR. HASTINGS:
- Q How far did you live from this man before the war? A About 25 miles I guess.
- Q Where did you live? A I lived in Goingmale, and he lived in Tahlequah District.
- Q What place in Tahlequah District did he live? A Somewhere near Tahlequah.
- Q Were you ever at their place? A Yes sir, many a time.
- Q Before the war? A Yes sir.
- Q What direction from Tahlequah? A I think it is south-east as well as I recollect.
- Q About how far? A I don't know exactly how far, but I have remembrance of the direction.
- Q As much as 20 miles? A No sir, two or three miles I guess.
- Q What sort of house did his mistress live in? A I don't know, now I forget what kind of house they had.
- Q Have a spring or a well? A They had a spring if I ain't mistaken.
- Q You know what direction from the house it was? A No sir, I don't.
- Q You know anything about the body of the country or the premises? A All I know is how it lay from Tahlequah, south-east from Tahlequah.
- Q You know what his master's name was? A It was Riley, but I don't recollect much about him.
- Q Did they have any family, his mistress and master's folks? A She was a widow when I knowed them.
- Q Did she have children? A Yes sir.
- Q What were their names? A I don't recollect what her girls was named.
- Q How long before the war was it you were down there last? A 4 or 5 years, I got acquainted with them, but I knowed them right at the breaking out of the war.
- Q What were you doing down there? A My folks used to send me to the Seminary loaded with corn.
- Q What seminary? A That Seminary close to where they lived.
- Q How far was that seminary? A About a mile I think.
- Q You don't remember what kind of a house they were living in? A No sir.
- Q You didn't witness for this fellow before the Fox-Clifton Court, I go sir, this is the first time.
- Q He didn't come down here when you came on the first trip? A No sir, he come with my brother, the second trip.
- Q Who was along with your brother on the second trip? A I can't tell you who all was along.
- Q Name some of them? A His wife was one that was along.
- Q Anybody else? A That's about the only one, it was the preacher that he had to go back after.



Sam Riley 5

Q That was all that was along in that crowd was it? A That's all I know of.

Q Where were you living when he come down there? A I was staying with my mother and father at that time; I had no family.

Q Where at? A On Salt Creek.

Q How long had you been down there? A I had been down there very near a year, or over a year I guess.

Q You wasn't married yet? A No sir.

Q Did you go to Tahlequah with this man when you was all applying for citizenship down there? A Yes sir, this man went with us.

Q You were enrolled, and Aaron and Moses? A No sir, I didn't enroll the first trip we went to Tahlequah.

Q Well Moses was? A Moses didn't either.

Q Second trip you went? A Second trip we went then he and Moses enrolled.

Q Was that before the Bob Daniels court? A It was after the Bob Daniels court.

Q Before 1880? A Yes sir.

Q Was this man with you then? A He wasn't with us when we went to the Chambers court, he was with us when we went to the Bob Daniels court.

BY COM'R NEEDLES:

Q None of you got on when you went to the Bob Daniels court? A Only two got on when we went to the Bob Daniels court.

Q The applicant wasn't one of them? A No sir.

Q You afterwards got on at the Chambers court? A Yes sir.

BY MR. BROWN:

Q Did you return to the Cherokee nation with this applicant in '66? A No sir.

Q You don't know of your own personal knowledge who all was in the crowd that came down with him? A No sir.

HARRY STILL, being sworn by Com'r Needles, testified as follows

BY MR. BROWN:

Q State your name? A Harry Still.

Q What is your age? A 54.

Q You know the applicant, Sam Riley? A Yes sir, I know him.

Q To whom did he belong at the beginning of the Civil war? A I want to say to you like this: the people that knows his owners may be here to-day; we simply know when he come back here.

Q You know when he returned to the Cherokee nation? A Yes. In '66, with Moses Whitmire, the last time.

Q Where has he lived ever since? A On Elk Lightning Creek and no other place.

BY MR. HASTINGS:

Q How many times had Moss been here before? A Once or twice.

Q You didn't come with this man? A No sir.

Q You were already here when he came? A Yes sir, I was here when he came.

Q You are positive when you saw him here? A Yes sir.

Q That was in the winter of '66? A Yes sir.

Applicant SAM RILEY, re-called, and further examined;

BY MR. BROWN:

Q You own any improvement on the public domain of the Cherokee Nation? A Yes sir.

Q You ever voted for any of the Cherokee officials? A Yes sir.

Com'r Needles: Sam Riley applies for the enrollment of himself; he cannot be identified upon the authenticated roll of

Sam Riley &

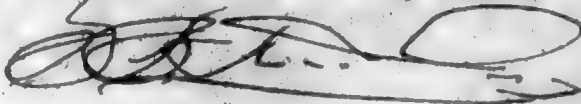
1880 of the census roll of 1896, but is fully identified upon the Kern-Clifton and Wallace roll; he makes satisfactory proof as to his residence; the testimony in this case so far is conclusive to the effect that the applicant returned to the Cherokee nation in '88, but by reason of the protest of the Cherokee Nation, he will now be placed upon a doubtful card, awaiting the further consideration of the Commission; he will be notified by mail of the decision of the Commission when the same is arrived at.

-----

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D. Green

Subscribed and sworn to before me this July 8th, 1901.



Commissioner.



80836

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED  
AUG 1 1902

100-100000

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskegee, I. T., May 31, 1902.

In the matter of the application of PERRY ALAMS for enrollment as a Cherokee Freedman:

Applicant appears by Kallette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209, filed in the Mariah Hayden case F D 98, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Sam Blair or Riley, D 836;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicants be allowed within thirty days to file any of the proof of any or all of the cases other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL)

(Signed) P. G. Reuter,  
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

*E. C. Bagwell*

Subscribed and sworn to before me this July 29, 1902.

*P. G. Reuter*  
Notary Public.

Cherokee Freedmen D 836.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of  
Samuel Riley as a Cherokee Freedman.

DECISION.

The record in this case shows that on June 24, 1901, Samuel Riley appeared before the Commission at Nowata, Indian Territory, and made personal application for enrollment as a Cherokee Freedman.

The evidence shows that the applicant was the slave of a Cherokee citizen at the commencement of the rebellion and that during the rebellion he removed to the State of Kansas. The applicant testifies that he returned to the Cherokee Nation at the same time Mariah Hayden did; and the Department has decided in her case (I.T.D. 5988, 6242-1902) that the said Mariah Hayden did not return to said Nation until after the time specified, in the decree of the Court of Claims, rendered on February 3, 1896, in the case of Moses Whitmire, trustee, vs. The Cherokee Nation et al., for the return of Freedmen to the Cherokee Nation.

The name of the applicant is not found on the 1880 authenticated Cherokee roll.

It is, therefore, the opinion of this Commission that the application for the enrollment of Samuel Riley as a Cherokee Freedman should be denied, under the provisions of Section 21 of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Chairman.

  
Commissioner.

  
Commissioner.

  
Commissioner.

Muskogee, Indian Territory,


this MAR - 5 1901

10

FD 836

Transmitted to the President of the United States

FILED  
MAR 22 1902

 ACTING SECRETARY



# **NOTICE.**

## **Cherokee - Freedmen - Enrollment.**

The Commission to the Five Civilized Tribes will continue in session at

### **MUSKOGEE, IND. TER.,**

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Samuel Riley,

Hayden, I. T.

Cherokee-F-D-836.

Recorder.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

③

82836

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**  
JUN 24 1901

*[Handwritten signature]*

## MEMORANDUM OF APPLICATION.

## CHEROKEE FREEDMEN.

Date

Post Office

District

June 24, 1901

Hayden, T.

Eos

1. Name

Age

Owner's name

Citizenship

Year

Page

No.

District

Parents:

Father

Citizenship

Mother

Citizenship

2. Name of wife

Age

Owner's name

Citizenship

Year

Page

No.

District

Parents:

Father

Citizenship

Mother

Citizenship

Names of Children:

|     | Year | Page | No. | Dist. |
|-----|------|------|-----|-------|
| 3.  |      |      |     |       |
| 4.  |      |      |     |       |
| 5.  |      |      |     |       |
| 6.  |      |      |     |       |
| 7.  |      |      |     |       |
| 8.  |      |      |     |       |
| 9.  |      |      |     |       |
| 10. |      |      |     |       |
| 11. |      |      |     |       |
| 12. |      |      |     |       |

Application made by

No. 1

Stenographer

M. H. Green

/ On Waller roll, Page 135 - \*F19 - Eos

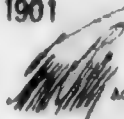
Represented by Louis F. Brown,

Q7W936

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

AUG 16 1901



ACTING CHAIRMAN

COMMISSIONERS:  
HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, August 8th, 1901.

Received of the Commission to the Five Civilized Tribes,  
one copy of the original testimony of June 24th, 1901, in the  
matter of the application of Sam Riley for enrollment as a  
Cherokee Freedman.

*Louis J. Brown*  
Agent for Applicant.

Cherokee Freedmen #D836.



COPY

Cherokee freedmen  
D 836

Muskogee, Indian Territory, March 24, 1904.

Samuel Riley,

Hayden, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, rejecting your application for the enrollment of yourself as a Cherokee freedman. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

*J. B. Needles*

Commissioner in Charge.

Encl. V-30

Registered.

Cherokee freedman  
D 836

Muskogee, Indian Territory, March 24, 1904.

Wagar Smith,

Attorney for Samuel Riley,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 8, 1904, rejecting the application of Samuel Riley for the enrollment of himself as a Cherokee freedman. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

*T. B. Needles*

Commissioner in Charge.

Encl. V-31

Register.

Cherokee Freedmen  
B 836

Muskogee, Indian Territory, March 24, 1904.

W. W. Hastings,  
Attorney for the Cherokee Nation,  
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 8, 1904, rejecting the application of Samuel Riley for the enrollment of himself as a Cherokee freedman.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the commission is informed of the same.

Respectfully,

J. B. Gordon

Encl. V-32

Commissioner in Charge.

COPY.

Cherokee Freedmen  
D 836

Muskogee, Indian Territory, March 24, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Samuel Riley for the enrollment of himself as a Cherokee freedman, including the Commission's decision dated March 5, 1904, rejecting said application.

Respectfully,

Encl. V-33

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

Refer in reply to  
the following:  
Land.  
20521-1904.

( C O P Y )

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, July 22, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated March 24, 1904, transmitting the record of the application of Samuel Riley for enrollment as a Cherokee freedman.

March 5, 1904, the Commission decided that the applicant was not entitled to enrollment as a Cherokee freedman.

The record shows that the applicant was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that during the war he removed from the Cherokee Nation and that he returned and settled in the Cherokee Nation prior to February 11, 1867.

This name is not identified on the 1880 authenticated Cherokee Roll, but it is on the Kern-Clifton and Wallace Rolls.

In view of the record it is recommended that the Commission's decision adverse to the applicant be reversed and the applicant enrolled as a Cherokee freedman.

Very respectfully,

H. B. W.  
V.  
3 encs.

anner,  
cting Commissioner.



Cherokee Freedmen,  
D-636.

Muskogee, Indian Territory, August 11, 1904.

Hastings, Bell & Davenport,  
Attorneys for the Cherokee Nation,  
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision, dated March 5, 1904, rejecting the application of Samuel Riley for enrollment as a Cherokee freedman was affirmed by the Secretary of the Interior on July 27, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedman,  
D-836.

Muskogee, Indian Territory, August 11, 1904.

Edgar Smith,

Attorney for Samuel Riley,  
Vinita, Indian Territory,

Dear Sir:

You are hereby advised that the Commission's decision, dated March 5, 1904, rejecting the application of Samuel Riley for enrollment as a Cherokee freedman was affirmed by the Secretary of the Interior on July 27, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen,  
D-836.

Washkatee, Indian Territory, August 11, 1904.

Samuel Riley,

Hayden, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated March 5, 1904, rejecting your application for enrollment as a Cherokee freedman was affirmed by the Secretary of the Interior on July 27, 1904.

Respectfully,

Commissioner in Charge.

D.C. 27372-1904.

( C O P Y )

J.P.

DEPARTMENT OF THE INTERIOR,

CHR

ITD 5938-1904.

WASHINGTON.

July 27, 1904.

L R S

The Commission

to the Five Civilized Tribes.

Gentlemen:

July 22, 1904, the Acting Commissioner of Indian Affairs submitted the case involving the application of Samuel Ribby for enrollment as a Cherokee freedman, and recommended that, "In view of the record it is recommended that the Commission's decision adverse to the applicant be reversed and the applicant enrolled as a Cherokee freedman."

You rejected the application as the applicant claims to have returned from Kansas, where he went during the rebellion to the Cherokee Nation with Mariah Hayden, and as the Department had denied the application of Mariah Hayden on the ground that she did not return to the Cherokee Nation within the time provided in the treaty of 1866.

The Department finds no reason to disturb your decision, and it is hereby affirmed.

A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

(Signed) Thos Ryan

1 inclosure.

Acting Secretary.

Cher.Fr.R-433

Cher.Fr.R-433



10

70842

COMM. TO THE H.E.  
FILED  
JUL 9 1901

*[Signature]*

ACTING CHAIRMAN

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Nowata, I.T., June 24, 1901.

In the matter of the application of Kate Fishtail for enrollment as a Cherokee Freedman.

Kate Fishtail, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is y ur name? A Kate Fishtail.
- Q Howold are you? A I have forgot my age; I reckon about 90.
- Q What is your post office? A Lenapah.
- Q You live in Cooweescoowee district? A No, Hickory Creek, I don't know whether it is Cooweescoowee district or not.
- Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
- Q Is your name on the roll of 1880? A Yes, sir; I don't know what time it was, they called him the Wallace roll.
- Q Is it on the Wallace roll? A Yes, sir.
- Q Did you draw any money? A No, sir, never draw any money in my life, but they put my children on the roll down here to Tahlequah and I never did go, didn't want to trouble.
- Q Are you married? A No, sir.
- Q Ever been married? A Well I goes by my owner's name; I never goes by my husband.
- Q Did you ever apply to the Kern-Clifton Court to get your strip money? A No, sir.
- Q You have been born and raised in the Cherokee Nation? A Yes, sir.
- Q You wasn't born here? A I was born in Georgia, then the Cherokees brought me here.
- Q Were you a slave? A Yes, sir.
- Q Who did you belong to? A Mrs. Fishtail.
- Q Was she a Cherokee? A Yes, sir.
- Q Did you go out of the Cherokee Nation during the war? A I went from here.
- Q Where did you go? A Went in the Choctaw Nation.
- Q How long did you stay down there? A I stayed down there till my little grandchildren got able to send me money; they sent money for me and I come.
- Q Do you know what year you came back here? A No, sir, don't know nothing about it at all.
- Q Have you got any witnesses here that knows yhu? A Yes, sir.
- Q Who are they? A Katie Vann, and Jim, Sheep Jim they call him.
- The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.
- The 1890 census roll of Cherokee Freedmen examined and the applicant not identified thereon.
- The Kern-Clifton roll examined and the applicant not identified thereon.
- The Wallace roll examined and the applicant not identified thereon.
- Mr. W.W.Hastings, Cherokee attorney: Now auntie, where did you first live in the Cherokee Nation after the war? A After the war?
- Q Yes; at what place? A I lived in the Choctaw Nation after the war.
- Q How long did you live there after the war? A I lived till t he children got able; when they drew their money they sent me money, Mrs. Bushy and her brother.
- Q That was after they drew the Kern-Clifton money, four or five years ago? A Yes, sir, they had done draw when they sent for me.
- Q Well then you have been here two or three years? A Yes, sir.
- Q That is the first time you came back up here after the war?
- A Yes, sir.

Kate Fishtail - 2.

Q Where did you live before the war? A I lived down in the Choctaw; before the war, they called the place, I don't know where it is from here, they call the place Spring Creek; there is where I lived with my mistress and master.

Q What was your master's name? A Mrs. Fishtail.

Q What was the man's name? Her husband? A Fishtail, she was Vertie Fishtail and he was named Fishtail.

Q And you came back up here after this last payment? A Yes, sir.

Q What was your grandchildren's names that sent for you? A Mrs. Eliza Bushy and James Chambers, James Chambers is dead, died this last month a year ago.

Commissioner: Now was it the last payment or the first payment you came after? A The last payment.

Q You didn't come till after the last payment? A Yes, sir.

Mr. Hastings: Three or four years ago? A Yes, sir.

Commissioner: James lived in the Cherokee Nation? A Yes, sir, till they got hole to send for me.

Q Was your name ever on the ~~Choctaw~~ Choctaw rolls? A No, sir.

Q Never drew any Choctaw money? A No, sir.

Q Who were you living with down there? A I was living with a Mrs. Tifton.

Q Was she a Choctaw citizen? A Yes, sir, Choctaw Freedman.

Q A colored woman? A Yes, sir.

Mr. Hastings: Did you have a husband down there? A No, sir.

Q Didn't have any man down there? A No, sir.

Katie Vann, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Katie Vann.

Q How old are you? A 58.

Q Your postoffice is what? A Lenapah.

Q Do you know the applicant here, Kate Fishtail? A Yes, sir.

Q How long have you known her? A I have known her before the war.

Q Was she a slave? A Yes, sir.

Q Who did she belong to? A She belonged to Mrs. Fields, when I knowed her, Mrs. Vert Fields, a Cherokee woman.

Q Know whether she went out of the Cherokee Nation during the war? A I don't know about that.

Q When did you see her the first time after the war? A The first time I seen her after the war was seen her at the Clifton Court.

Q You don't know where she had been from the time you saw her before the war? A No, I heard where she was.

Q She says she was in the Choctaw Nation? A Yes, sir, she was in the Choctaw Nation.

Q You don't know when she came back? A No, sir, I don't.

Q Do you know she was a slave? A Yes, sir.

Mr. Hastings: How far did she live from you before the war?

A About ten or twelve miles I guess.

Q Was she living there when the war came on? A No, I don't think that she was.

Q How long was it before the war that you saw her? A Two or three years.

Q You continued to reside down there, did you? A Yes, sir.

Q And she left and went somewhere? A Well, I don't know where they went when the war came up, I can't tell.

Q At the time the war came up you hadn't seen her, as I understand, for two or three years? A No, sir, I hadn't.

Q And you don't know where she was then? A I heard of her being there at home with her folks when the war came up.

Kate Fishtail - 3.

Q What was her mother's name? Q When I knew them they were Fields, but then her mistress married an Indian named Fishtail, but I never seen him.

Q That was on Spring Creek? A Yes, sir.

James Alberty, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A James Alberty.

Q How old are you? A 70.

Q What is your post office? A Chouteau.

Q Did you know Kate Fishtail, the applicant? A Yes, sir.

Q How long have you known her? A I have known her fifty years.

Q Was she a slave? A Yes, sir.

Q Who did she belong to? A She first belonged to Arch Cochran.

Q Well, who afterwards? A Old Fishtail.

Q A Cherokee? A Yes, sir, a full blood.

Q You know whether she went out of the Cherokee Nation during the war? A Yes, sir.

Q Where did she go? A To the Choctaw Nation.

Q When did she come back? A I saw her back along in the fall of '67.

Q Where? A First I saw her at Wagoner.

Q At Wagoner in '67? A Not in the town, but in the Creek Nation, but where Wagoner is.

Q Well, do you know where she has been living in the Cherokee Nation since that time? A Well, I haven't seen her anywhere else.

Q Did you ever seen her here since then? A Yes, sir, she is my sister, she came to see me.

Q Is this woman your sister? A Yes, sir.

Q Do you say she came from the Choctaw Nation in '67? A Yes, sir as well as I can recollect.

Q And never went back there? A Not to my knowing.

Q What part of '67 was it? A It was along I expect about January.

Q Do you know whether her name is on any of the rolls of the Cherokee Nation or not? A I don't know about that, she came to register, I don't know whether she did or not.

Q Don't know whether she drew any money or not? A No, sir.

Q Did she have any grandchildren? A Yes, sir.

Q And children? A Yes, sir, she has had some children.

Q You say she came from the Choctaw Nation up here? A I don't know, she came up to register.

Q You say she went to Tahlequah to register? A Yes, sir.

Q When was that? A I don't know what year it was, they were taking the census though.

Q Well when she says then that she didn't come here till after the last payment, she is mistaken, is she? A Yes, sir.

Kate Fishtail, recalled, testified:

Applicant: I went to register and I went back to the children when I registered they said our names isn't on the roll anywhere because I didn't come to draw, I wasn't able to draw it.

Q You went back to the children in the Choctaw Nation? A Yes, sir.

Q But you first came up to register? A Yes, sir, the neighbors furnished me money to come back.

Q The neighbors in the Choctaw Nation? A Yes, sir, and I came to register and then when I went back I wasn't able to come back, I got out of money, and I hired to Miss Smith at Wagoner and got money and went back to the children, and then when the children got big enough to go off, they came here and drew they said, and then they

Kate Fishtail - 4.

sent for me down there.

Q When you came to Wagoner was there a town there, houses and everything? A Yes, sir, houses there, a stable, a hotel, Mrs. Brown's hotel.

Q She was running the hotel at Wagoner? A Yes, sir, I used to live with her in the Choctaw Nation, and I got money up here and went on home.

Q There is where you saw Jim? A Yes, sir, he heard I was in town and he came to see me.

Q That was the first time you had seen him since the war? A Yes, sir, that was the first time I had seen him since the war.

Jim Alberty, recalled, testified:

Commissioner: What do you think about it? A She isn't competent in what she says; a smart man ought to have more sense than to do a woman in that way, she didn't know any years.

Q She appears to know there is a hotel at Wagoner? A Yes, sir, I am talking about when she came to see her sister on Brushy.

Q You say she came to see her sister on Brushy? A Yes, sir, before there was any Wagoner.

Q But that was about '87, wasn't it? A No, sir, it wasn't '87.

Q When was that? A It was in '87, what time I am talking about.

Q What part of '87? A In the fall, she she has forgotten it.

Kate Fishtail, recalled, testified:

Commissioner: You are a sister of Jim? A Yes, sir, and I came to see my sister, and she died before I came to see her.

Q Was that about four years ago? A No, sir, it wasn't four years ago.

Charlie Chambers, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Charlie Chambers.

Q How old are you? A About 70 years old.

Q What is your post office? A Hudson.

Q Do you know Kate Fishtail here, the applicant? A I have seen her, I don't really know her exactly.

Q Do you know who she belonged to? A It is a lady, lady they called to call Fishtail.

A He was a Cherokee, was he? A Yes, sir.

Q Do you know where she went during the war? A No, sir.

Q Do you know when she came back? A No, sir, I don't know when she came back.

Commissioner: Kate Fishtail applies for the enrollment of herself. She cannot be identified upon any of the rolls of the Cherokee Nation. She avers that she was a slave and belonged to one Fishtail, and she went into the Choctaw Nation during the war and herself says she did not return — for particulars of her case see the testimony. She will now be listed for enrollment as a Cherokee Freedman on a doubtful card.

\*\*\*\*\*



Kate Fishtail - B.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 2nd of July, 1901.

W. H. H. H. H.

Commissioner.

*EW*

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Katie Fishtail for enrollment as a Cherokee freedmen.

DECISION.

The record herein shows that on June 24, 1901, at Nowata, Indian Territory, Katie Fishtail appeared before the Commission and made application for the enrollment of herself as a Cherokee freedman.

The evidence shows that Katie Fishtail was a slave of a Cherokee citizen at the commencement of the war of the rebellion; that during said war she went out of the Cherokee Nation and did not return thereto within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs the Cherokee Nation et al., for the return of freedmen to said Nation.

The applicant states that she did not return to the Cherokee Nation until after the Earn-Clifton payment was made some five or six years ago. Said applicant can not be identified on the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the application of Katie Fishtail for enrollment as a Cherokee freedman should be denied under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Chairman.

  
Commissioner.

  
Commissioner.

Dated at Muskogee, I.T.

this MAR 11 1904

  
Commissioner.

② #1084

MAR 15 1963

*[Signature]* BY THE RECTOR

# **NOTICE.**

## **Cherokee - Freedmen - Enrollment.**

The Commission to the Five Civilized Tribes will continue in session at

### **MUSKOGEE, IND. TER.,**

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Wm. Hattie Hightall,  
Tombah, T. T.

Cherokee - T-7-842.

Register.

TAMS BIXBY,  
T. B. NEEDLES,  
C. R. BRECKINRIDGE,  
Commissioners.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

**FILED**  
JUN 24 1901

  
ACTING CHAIRMAN



MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date *June 24, 1901*  
 Post Office *Lennapah D.C.*  
 District *Gov*

1. Name ..... Age .....  
 Owner's name ..... Citizenship .....  
 Year ..... Page ..... No. .... District .....

Parents:

Father ..... Citizenship .....  
 Mother ..... Citizenship .....

2. Name of wife *Kate Fishtail* Age *90*  
 Owner's name *Mrs Fishtail* Citizenship *Cherokee*  
 Year ..... Page ..... No. .... District .....

Parents:

Father ..... Citizenship .....  
 Mother ..... Citizenship .....

Names of Children:

*Kate Fishtail*

| No. | Year | Page | No. | Dist. |
|-----|------|------|-----|-------|
| 3.  |      |      |     |       |
| 4.  |      |      |     |       |
| 5.  |      |      |     |       |
| 6.  |      |      |     |       |
| 7.  |      |      |     |       |
| 8.  |      |      |     |       |
| 9.  |      |      |     |       |
| 10. |      |      |     |       |
| 11. |      |      |     |       |
| 12. |      |      |     |       |

Application made by

*Mo. 1*

Stenographer

*R. C. Jones*

copy  
Cherokee Freedmen  
D-842.

Muskogee, Indian Territory, March 15, 1904.

Katie Fishtail,

Lenapeah, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for enrollment as a Cherokee freedman, together with a copy of the Commission's decision, dated March 11, 1904, rejecting your said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

*T. B. Needles.*

Commissioner in Charge.

Enc. D-32

Register.

Copy,

Cherokee Freedmen  
D-842

Muskogee, Indian Territory, March 15, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 11, 1904, rejecting the application of Katie Fishtail for the enrollment of herself as a Cherokee freedman.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,



Commissioner in Charge.

Enc. D-33.

COPY  
Cherokee Freedmen  
D-842

Muskogee, Indian Territory, March 15, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Katie Fishtail for the enrollment of herself as a Cherokee freedman, including the Commission's decision, dated March 11, 1904, rejecting said application.

Respectfully,

Through the

Commissioner in Charge.

Commissioner of Indian Affairs.

Enc. D-34

( COPY )

Refer in reply  
to the following:  
Land,  
18420-1904.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, July 22, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes dated March 15, 1904, transmitting the record of the application for enrollment as a Cherokee freedman of Katie Fishtail.

March 15, 1904, the Commission found that the applicant was not entitled to enrollment as a Cherokee freedman.

The record shows that the applicant was a slave at the beginning of the war of the rebellion; that she was taken out of the Cherokee Nation during the war and that she did not return prior to February 11, 1867.

In view of the record the Commission's decision adverse to the applicant is recommended.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

H.M.M.

W.

3 encl.



( COPY )

D.C. 27374-1904.

J.P.

CMR

DEPARTMENT OF THE INTERIOR,

ITD 5936-1904.

WASHINGTON.

July 27, 1904.

L R S

The Commission

, to the Five Civilized Tribes.

Gentlemen:

July 22, 1904, the Acting Commissioner of Indian Affairs submitted the case involving the application of Katie Fishtail for enrollment as a Cherokee freedman, and recommended that your decision of March 11, 1904, denying said application, receive approval.

Finding no reason to disturb your decision it is hereby affirmed.

A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

(Signed) Thos Ryan

1 inclosure.

Acting Secretary.

Cherokee Freedmen

N-433.

COPY

Muskogee, Indian Territory, July 27, 1905.

Neal & London,

Fort Smith, Arkansas.

Gentlemen:

This office is in receipt of your letter of July 18, stating that you have been retained as attorneys for Katie Fishtail, an applicant for enrollment as a Cherokee freedman, and asking to be advised her citizenship status in the Cherokee Nation. You also ask to be furnished a copy of the testimony in her case,

In reply you are advised the records of this office show that one Katie Fishtail, of Lenapah, Indian Territory, applied for the enrollment of herself as a Cherokee freedman, and that the decision of the Commission to the Five Civilized Tribes, rejecting said application, was approved by the Secretary of the Interior on July 27, 1904.

The records further show that a copy of the record of proceedings had in this case, and a copy of the decision of the Commission to the Five Civilized Tribes, have heretofore been

furnished the principal applicant, and for the copy of testimony requested you are referred to her.

Respectfully,

SIGNED

*Jane Birby.*

Commissioner.

Cherokee Freedman,  
D-942

Muskogee, Indian Territory, August 11, 1904.

Hastings, Bell & Dave report,  
Attorneys for the Cherokee Nation,  
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision,  
dated March 11, 1904, rejecting the application of Katie Fish-  
tail for enrollment as a Cherokee freedman was affirmed by the  
Secretary of the Interior on July 27, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedman,  
D-848.

Muskogee, Indian Territory, August 11, 1904.

Katie Fishtail,

Lenapeh, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision, dated March 11, 1904, rejecting your application for enrollment as a Cherokee freedman was affirmed by the Secretary of the Interior on July 27, 1904.

Respectfully,

Commissioner in Charge.



COMMISSIONERS:  
JAMES HENRY,  
THOMAS B. NEEDLES,  
C. E. BRACKENRIDGE

Wm. C. BRALL,  
Secretary.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

7209

|                            |
|----------------------------|
| NAME OF ONLY IN THE TRIBES |
| Cherokee Freedman,         |
| D-842.                     |

Muskogee, Indian Territory, August 11, 1904.

Katie Fishtail,

Lenapah, Indian Territory.

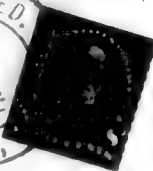
Dear Madam:

You are hereby advised that the Commission's decision, dated March 11, 1904, rejecting your application for enrollment as a Cherokee freedman was affirmed by the Secretary of the Interior on July 27, 1904.

Respectfully,

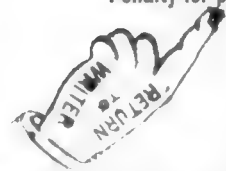


Commissioner in Charge.



Department of the  
 Commission to the Five Civilized Tribes  
 MUSKOGEE, IND. T.  
 OFFICIAL BUSINESS

Penalty for private use, \$3



5208

Mrs. Katie Fishtail,

Langsah, Indian Territory.

P 51

*Can't be found*

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



~~to the tail,~~

*Exhibit*

~~to the tail, to the tail, to the tail.~~





*Chas. T. Co.*



Cher. Fr. R-434

Cher. Fr. R-434

a

FN 283

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED  
MAY 17 1901

ACTING CHA. MAN.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Vinita, I. T., May 15, 1901.

In the matter of the application of Moses Ross for enrollment as a Cherokee Freedman; he being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

- Q Give me your name. A Moses Ross.  
Q Who is it you want to have put on the roll; just yourself? A Yes sir, just myself.  
Q How old are you? A About 41 or 2.  
Q What is your postoffice? A Ketchum.  
Q In what district do you live? A Delaware.  
Q How long have you lived in the Cherokee Nation? A Most all my life.  
Q Were you out of the Cherokee Nation during the war? A No sir.  
Q Well how much have you been out of the Cherokee Nation and when? A My folks when they were freed they went away from the territory.  
Q After they were set free? A Yes sir.  
Q After your folks were set free they left the territory? A Yes sir.  
Q Where did they go? A They went to Kansas.  
Q Are you a recognized Freedman at this time of the Cherokee Nation? A I am on some of the rolls; I am a recognized citizen by the United States. ( He presents a paper. )

The applicant presents a letter from Acting Commissioner Belt, under date of September 4th, 1891, L 31139 - 1891, relating to his right to a part of \$75,000, appropriated by Congress, and being distributed by Agent Bennett, and to the applicant's status as a Cherokee Freedman.

The representative of the Cherokee Nation object to the consideration of the document cited for the reason that as it shows to be an ex parte statement in a private letter to the applicant without showing that both the Cherokee Nation and the applicant were represented when the letter was addressed, and it was an ex parte statement and not proper proof to be introduced in support of the applicant's claim.

- Q Give me the name of your father? A Jacob Ross.  
Q Is he alive or dead? A Dead.  
Q How long has he been dead? A Three or four years, I guess.  
Q Was he a Cherokee Freedman? A Yes sir.  
Q Where did he die? A He died at Garnett, Kansas.  
Q Did he go to Kansas after he was set free? A Yes sir.  
Q And did he stay there until he died? A Not all the time; he was down here part of the time.  
Q To whom did he belong before the war? A Lewis Ross.  
Q He was a slave in the Cherokee Nation at the beginning of the war, was he? A Yes sir.  
Q Was Lewis Ross a Cherokee citizen? A Yes sir.  
Q Where did he live? A Near the Orphan Asylum on Grand River.  
Q What was the postoffice of Lewis Ross, Salina? A I think it was; close to Salt Works.  
Q What is the name of your mother? A Lydia.  
Q Is your mother dead? A Yes sir.  
Q Was she a Cherokee Freedman? A Yes sir.  
Q Did she die in Kansas? A Yes sir.  
Q How long has she been dead? A 15 or 20 years, I guess, or more.  
Q Did she go to Kansas with your father soon after the close of the war? A Yes sir.  
Q And did she stay there with him all the time that he stayed there? A Yes sir.  
Q What did your father and mother do up in Kansas? A Father farmed some.  
Q Did your mother ever come back to the Cherokee Nation? A She never returned, but father did.  
Q Did he come back on visits? A Yes sir.  
Q He did his farming and his business up in Kansas, did he? A I think he did; I wasn't at home; I was here.

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- Q What did he do down here, come to see his people? A I would see him at Fort Gibson; I seen him there.
- Q What was he doing when you saw him at Fort Gibson? A He wasn't doing anything.
- Q Was he there on a visit? A I think so, yes sir.
- Q Did your mother belong to the same master that your father did? A Yes sir, Lewis Ross; both of them.
- Q How old were you when you went to Kansas? A I don't know exactly; I was a good size boy.
- Q You can recollect when you went? A Yes sir.
- Q Where did you and your father and mother live in Kansas? A Garnett.
- Q Have you ever been married? A Yes sir.
- Q How many times? A Only once.
- Q Where did you marry? A I married here in the Cherokee Nation.
- Q Whom did you marry? A I married a woman that belonged to the Creek Nation.
- Q Give me her name? A Niece Hawkins.
- Q Was she a Creek Freedman? A Yes sir.
- Q When did you marry her? A I don't know how many years it has been; ten or fifteen years, maybe 16.
- Q Is she dead? A Yes sir.
- Q Did you live with her until she died? A No sir.
- Q How long did you and she live together? A I don't know just how long; we had four children.
- Q Are they living now? A Yes sir.
- Q Where are they? A They are twelve miles west of Wagoner in the Creek Nation.
- Q You claim they are Creeks? A Yes sir, they were enrolled in the Creek Nation.
- Q Did you and she live in the Creek Nation? A We lived a little while in the Creek Nation, about three or four months; we married and lived here until we went to the Creek Nation.
- Q In what year, or how long after the war was it when you went with your father and mother up to Kansas? A I guess in '61 or '62.
- Q It was during the war you went to Kansas? A Yes sir, the soldiers took us to Kansas then.
- Q It was in '61 or '62? A That is what they say it was; I was small.
- Q You say you married in the Cherokee Nation? A Yes sir.
- Q How old were you when you came back to the Cherokee Nation? A I don't know exactly; I run off from home.
- Q Did you come back long before you were married? A Yes sir, I was too young to marry when I come back here.
- Q How long did you stay there before you ran off and came back home? A Not many years; I was too small to farm.
- Q Can you give me any definite idea as to how old you were, or when it was you came back? A Some said it was '65 or '66; I know they were moving down from Fort Scott and they were driving cattle in the territory. I run off from home; they were too tight on me and I come home.
- Q You came with a lot of people? A They were coming down this way called the neutral land; I had a chance to come with them.
- Q Were they a lot of settlers coming through? A They were movers coming through; I seen the Freedmen coming down.
- Q How did you come, did you walk, or horseback? A I road back. When I started from home I came through the prairie walking and when I met somebody I would go with them, any way to get from home to get to the territory.
- Q You would stop and work? A No sir, I was too small to work.
- Q That kind of work would you do at that time? A Packing a little stove wood, water horses or something like that.
- Q Where did you live and what did you do after you came back to the Cherokee Nation? A I stayed a while at Fort Gibson and went down to Tahlequah, out west here to Coowascoowas District, and then on the river, and then in the Creek Nation.
- Q Did you ever go back to see your father and mother? A Yes sir.
- Q Did you live with them up there? A I never made my home up there; I liked it so much better down here and I stayed here; I could catch game here.
- Q Well now, tell me as clearly and as briefly as you can, how much of your life

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much of your life you spent in Kansas and how much you spent in the Cherokee Nation? A Well, I spent all my days here. I have called it home; I was born here and remembers a good many places where I have been.

Q I am talking about the facts of your residence, I asked you to tell me how much of your time you have spent here and how much you spent in Kansas? A Well, ever since '66, I have been making the nation my home. I have been in Kansas and in the Creek Nation and Arkansas and around, but I always come back to the territory.

Q Where did you go in Arkansas? A Fayetteville, Van Buren, Maysville and around.

Q Have you lived long at any one place in the Cherokee Nation? A I lived longer in Delaware District.

Q Where did you live in Delaware District and how long? A Why ever since about '69.

Q Where have you lived in Delaware District since '69? A A little east of here.

Q At one place? A Not right on one place, and then I lived a while in Cooweescoowee District, but Delaware was my home particular.

Q Who did you live with? A My uncle a while.

Q Is there anybody here who can tell where you have been and what you have been doing since 1869? A My uncle can; he is here.

Q Can't you give me some better account of yourself - of what you were doing and what place you were living on? A I would work different places and I would make his house my home, but uncles lived on adjoining place.

Q Have you lived in around and about those uncles all the time? A I have a sister living out west and one living in the Cherokee Nation.

Q Would you be with these sisters some time? A Yes sir.

Q Where did your sister live out west? A On Salt Creek, in the Cherokee Nation.

Q Did you spend your time with your uncle and your sisters? A With my aunt; I didn't have any father and mother living. When I would get tight on one place, I would go somewhere else.

Q How much of your time during all this while did you spend in Kansas? A Not very much at a time.

Q How much at one time and altogether? A Some time I would be there two or three weeks; sometimes two or three days.

Q Never more than that? A No, I would go up on excursions; I got sick there once and was there one month and a half.

Q Is that the longest stay you made there? A Since I came to the territory to live.

Q When did you come to the territory to live? A When I run off.

Q Well, what were you doing over about Fayetteville, Arkansas? A Just go over there and be with the boys.

Q Did you go there to take work? A Be hunting some time in the mountains or getting huckleberries or something; it wasn't only but about 25 miles from where we lived.

Q Have you ever applied for enrollment in any other tribe or nation except the Cherokees? A Never have.

Q Never applied as a Creek? A No sir, never have.

Q Where were you in 1880? A Here in the territory.

Q What part of the territory? A Here in Delaware District.

Q You were in Delaware District in 1880? A Yes sir.

The 1880 authenticated roll and the 1896 census roll of the Freedmen of the Cherokee Nation examined and the name of the applicant is ~~not~~ not identified thereon.

Q Where were you in 1888? A In Delaware District.

Q Did you draw Cherokee Strip money? A I drew the \$15.50.

Q Wasn't that the money that Agent Bennett paid out? A Yes sir.

Q What district were you in when the Kerns Shifren Roll was taken? A Delaware District.

The Kerns Shifren Roll examined and the name of the applicant not found thereon.



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Q What district were you in when the Wallace Roll was made? A In Delaware District.

The Wallace roll examined and the name of the applicant not found thereon.

Q You didn't apply for enrollment on the Wallace Roll? A Yes sir.

Q Were you rejected? A He didn't say anything at the time, but that is what that paper said.

Q When you applied for enrollment on the Wallace Roll, didn't they reject you because you didn't show that you had lived continuously in the Cherokee Nation? A No sir.

Q Well what did they do? A He said it was alright.

Q This paper you present here says you were on his rejected list No. 180, and that you were rejected because you failed to show that you had lived continuously in the Cherokee Nation since 1869? A He didn't ask me the questions you asked me.

Q I didn't ask you that, I asked you whether you showed continuous residence? A I told him I made my home here like I do now.

Com'r-It appears that at the time of his application for enrollment on the Wallace Roll he was rejected, though he may have received money out of the payment arising from that enrollment by reason of a review of his case by the Commissioner of Indian Affairs.

J. S. DAVENPORT: When you came back from Kansas to what point in the Cherokee Nation did you go? A I went down to the Creek Nation from here.

Q You went from Kansas to the Creek Nation? A I went from here.

Q How long did you stay in the Creek Nation then before you went to the Cherokee Nation? A I went right over to Fort Gibson in a week or two.

Q How did you get to the Creek Nation when you went from Kansas there? A On the Military Road.

Q What Military Road? A It is out east of here. It comes from Kansas to Fort Gibson.

Q To what point in the Creek Nation did you go in travelling that military road first? A I went between the river.

Q What rivers? A Between Verdigris and Arkansas.

Q On the military road? A No, there are other roads; I come from this territory on the military road.

Q In going through from Kansas on that military road to the Creek Nation, did you or did you not go via Fort Gibson? A No, I turned off; I went west of that from Fort Gibson.

Q You left the road before you got to Fort Gibson? A Yes sir.

Q Where did you cross Grand River? A I didn't cross it, until I went to go to Fort Gibson.

Q You went to the Creek Nation then without crossing Grand River? A Yes sir. I went across some little creek.

Q What time with reference to the year they had the cholera in this country did you go to the Creek Nation - you remember that don't you? A I don't remember exactly.

Q You weren't here at that time, were you, Mose? A I know the high water was here when I was here.

Q Do you remember after you returned from Kansas that they had a contagion of cholera up in and around Grand River where many people died of it, do you remember? A Not exactly, I don't remember.

Q Do you remember it at all - have you any recollection of it?

A I don't remember; I didn't remember everything that was going on.

Q How long did you live at Fort Gibson when you came there? A I don't know how long I stayed there. I went from there to Tahlequah. I went to Gibson to my aunt.

Q How long did you stay at Fort Gibson when you went there after you returned from Kansas? A Probably two or three weeks.

Q Then you went from there to Tahlequah? A Yes sir.

Q Where did you go from there? A Back up here.

Q To what point? A Up to Salt Creek.

Q You know Mose you didn't come back to the Cherokee Nation until after the 1860 roll was made, did you? A Yes, I did, I can prove that.

Q By whom can you prove it by? A By a good many.

- Q I will ask you didn't you testify before the Kerns Clifton Commission when you were an applicant for admission in 1898, that you had lived first one place and then another and had no regular home anywhere? A No sir, I didn't state that because I had a home here, two of them of my own.
- Q That you had lived in Kansas and other places, didn't you testify to that in reply to other questions? A No sir, Mr. Hastings tried to get me to say I went there and worked. I used to buy wheat over there. He told me not to be afraid to answer his questions.
- Q In making your application before the Kerns Clifton Commission, you put in all your testimony that you had in regard to your return to the Cherokee Nation, didn't you? A Yes sir. I put in all the proof I could. I answered all the questions he asked me to the best of my ability.
- Q How long did you live in Arkansas? A Not very long; two or three days.
- Q You say you went to Fayetteville to fish or to hunt? A I wouldn't go to a town to hunt.
- Q Didn't you say that a while ago? A I said we would go through gathering huckleberries and everything else.
- Q You left Delaware District in the Cherokee Nation along in those days to go over to Washington County to hunt and gather huckleberries? A We didn't go over to Arkansas to gather huckleberries.
- Q How does it happen that you went to Fayetteville, Arkansas, if you didn't go there to gather them? A I didn't say we went there to hunt. Sometimes the white men would say they had some time to hunt.
- Q It is quite a distance from the Cherokee Nation to Fayetteville? A Yes sir, about seventy some odd miles.
- Q And you would take them over to Fayetteville? A Yes sir.
- Q You lived a long time over in Arkansas? A Why, I was there; I lived there a week or so.
- Q Didn't you make it your home? A No sir.
- Q You lived at Van Buren quite a while? A No sir, I have been at those places; I never lived there; this has been my home.
- Q How old were you when you started back from Kansas down to the Cherokee Nation? A I stated a while ago that I don't know, and I don't know yet.
- Q You started back with some movers that were coming to the neutral land? A I run off from home first, walking, and then caught up with them.
- Q You know what year you were born? A Not exactly.
- Q What year do you think you were born? A I can't tell.
- Q Was it before or after the war? A Way before the war.
- Q About how long before the war? A I don't know.
- Q Do you remember anything about the war? A Yes sir, I remember of the soldiers being here.
- Q Do you remember when you left here? A Yes sir.
- Q You don't remember what year you came back? A I told you what year they say it was.
- Q I want to know if you remember what year it was? A The year they all had to get back and they were moving back.
- Q Who told you that news? A Why it was in the papers; I could hear the white men reading it.
- Q Who did you hear reading it? A ~~I don't know~~ Was it out of a daily paper or a weekly paper? A I can't remember.
- Q Who do you remember reading it? A People around Barnett.
- Q Don't you know any of their names? A Mr. Porter.
- Q What Porter? A Matt. Porter.
- Q Barnett had a Railroad at that time? A No sir, no Railroad.
- Q In going from the military road, did you find any Railroad in this country then? A No sir, I didn't see any then; I wasn't looking for I wanted to get away from my father.
- Q You were then four or five years old? A I was bigger than that.
- Q How old are you now? A I don't know exactly; I think I am somewhere in forty.
- Q Well, it has been just 27 years since the war closed, or about that, hasn't it? A I guess close to thirty or thirty-one.

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Q Well, if it has been 37 years, and you are forty years old, you were three years old then? A I don't know how old I was.

Q Don't you know you never ran away from your father when you were three, or four, or six years old; don't you know you didn't do that? A I know I was too small to farm alright.

Q You want us to believe that you ran away from your father when you were three or four or five years of age? A I might have been four or five years old when I left here; I don't know.

Q You heard them tell you how old you were, haven't you, many times? A No sir.

Q Do you remember Lewis Ross? A Yes sir, I remember seeing him.

Q Was he living when the war broke out? A Yes sir.

Q Was he living when you come back down here? A Yes sir, they say he was.

Commissioner: Did you apply to be put on the roll of 1880? A Yes sir.

Q Why didn't they admit you on that roll? A They said they didn't know anything about me.

Q Did you apply to be put on the roll of 1896? A Yes sir.

Q Why didn't they put you on that roll? A They put me down on that roll; I afterwards heard that I was rejected.

Q Did you apply to be put on the Kerns Clifton Roll? A Yes sir.

Q Why did they not admit you on that roll? A I thought they were; they didn't say anything to the contrary. I brought up proof and they didn't say anything about it to the contrary.

Q You say you have had two homes in the Cherokee Nation? A Two places.

Q Well, have you had those two places at two different times, or did you have them both at the same time? A I have them both now, and had them a good many years.

Q Where are they? A On Grand River, in Delaware District, fifteen miles from here.

Q How long have you had them? A I have had one improved place, I don't know how many years; fifteen or twenty, pretty near the first one, ~~but the other one~~.

Q And the other one you had a less length of time? A Yes sir.

Q You stated that you heard people at Garnett talking about the treaty of '66? A Of returning back, yes sir.

Q And I understood you to say in that connection that you came back in '66? A Yes, they say it was '66 or '65. The people didn't know dates; that was the time they say I got here. That was the time I run off from my old man at Garnett.

Q Did you have it on your mind to get back in the time provided by that treaty? A No sir, not exactly; my folks wouldn't come and there were other colored folks that was neighbors were coming south.

Q I asked you if you had it on your mind when you came back to get back in the time provided by that treaty? A Not particularly, no sir, I was pretty small then. After I got here I had it explained to me and I felt satisfied.

Q But you heard of it at Garnett? A Yes sir, I heard them reading of it in the paper to get here in sight of six months; they would have six months space or something.

Q Have you any evidence that you can introduce at this time to prove that you have lived in any continuous manner in the Cherokee Nation since 1860? A I can call my uncle in here; Mose Ross.

J. S. Daymonport: What season of the year did you get back to the Cherokee Nation? A Why I don't remember now.

Q Don't you remember whether it was summer or winter? A It seems to me it was in the fall or the last of summer.

Q You don't know whether it was '65 or '66? A I didn't know no dates; I heard them talking just like I heard them talking about the paper; I don't know.

Commissioner: Any other witness besides Mose Ross? A Peter Williams.

Peter Williams, being sworn and examined by Commissioner

G. R. Breckinridge, testified as follows:

Q Give me your full name. A Peter Williams.

Q How old are you? A I don't know sir, I can't tell you.

Q As near as you can come? A About eighty.

Q What is your postoffice? A My postoffice is at the river.

Q What is the name of it? A Ketchum.

Q In what district do you live? A Delaware.

Q Do you know this applicant here, Moses Ross? A Yes sir.

Q Is he akin to you? A No sir, no kin to me.

Q How long have you lived in the Cherokee Nation? A Pretty near all my life.

Q Where were you during the civil war? A In this district at Tahlequah.

Q Didn't they carry you out during the war? A No sir, I went out myself a while.

Q Where did you go? A Up north, Ottawa.

Q Were you a slave in the Cherokee Nation at the time ~~of~~ the war broke out? A Yes sir, belonged to Bill Williams.

Q He was a Cherokee citizen? A Yes sir, he was a citizen.

Q What time did you come back after the war? A '66.

Q Did you know this man during the war? A Yes sir, I knowed him.

Q While the war was going on? A Yes sir, I knowed him.

Q Where did you see him? A Down at Tahlequah, been there all the while.

Q Has he been there all the time? A Yes sir.

Q When did you first see him at Tahlequah? A I couldn't tell the date exactly.

Q About what year? A I don't know what year, but I saw him quite a while.

Q Did you see him as early as '65 or '66? A I guess I did, because I was blacksmithing in Tahlequah. I knowed his boss.

Q What was his name? A Lewis Ross.

Q Well, you say you came back in '66? A Yes sir, I did.

Q Was this man where when you got back? A Yes, he was here.

Q And what have you seen of him, or what have you known of him from that time until now? A I couldn't tell you anything more that I know of.

Q You just told me when you first saw him. What have you ~~known~~ done since you have seen him; what has he done and where did you see him since '66? A I haven't seen anything more of him that I know of; I couldn't tell you anything more.

Q Have you never seen him since '66? A Yes sir, I have seen him.

Q Has he lived near you all the time? A Yes sir, near me.

Q How old was he when you saw him in '66? A He was a good big man.

Q When you first saw him in '66? A Yes sir.

Q Have you been living in and about Tahlequah ever since '66?

A Yes sir.

Q And he has been living in and about there all the time? A Yes sir.

Q You saw him every few days or few weeks? A Yes sir.

Q All the time since '66? A Yes sir.

Q Never heard of him living anywhere else? A No sir.

Q Never heard of him living in any other neighborhood? A No sir.

Q You saw him every few days? A Yes sir.

Q Ever since '66? A Yes sir.

J. S. BAYBERRY: You was living in Tahlequah when you came back to Tahlequah after the rebellion allered? A Yes sir.

Q And you saw this man here? A I saw him.

Q What was his name? A Moses Ross.

Q Is this the Moses Ross you saw there that was a good big man?

A Yes, I think this is the man; he was a good big man; I couldn't tell you exactly his age at knowing about that, because that has past my memory.

Q He was grown or ~~big~~ man? A He was along pretty well to manhood.

Q You are not sure whether this was the Moses Ross or another Moses Ross? A This is the one I think.

Q Now, Peter, had you known him before the war broke out? A



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Yes sir.

Q How large was he when the war broke out? A I couldn't tell.

Q Was he big enough to plow? A Yes sir.

Commissioner: Well, you say you have seen this man ever since '68? A Yes sir.

Q Do you know him thoroughly well? A As far as I know him; I knowed him right now. I would see him every few days or every few weeks.

Q You know then this is the man you are talking about? A This is the man I am speaking of; he belonged to Lewis Ross.

J. S. Davenport: And he was big enough to plow at the breaking out of the war? A Yes sir, he was big enough.

Q Do you know where Lewis Ross lived at the breaking out of the war? A Yes sir, way up at the old Lake, Salt Lake.

Mose Hardrick, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name. A Mose Hardrick.

Q Do they sometimes call you Mose Ross? A That was my slave name.

Q How old are you? A Well, my young mi stress, from her statement, I am about 31.

Q What is your postoffice? A Chelsea.

Q How long have you lived in the Cherokee Nation? A Ever since I was born, born in the old Cherokee country and brought to this.

Q Were you a slave before the war? A Born a slave.

Q And you were a slave when the war came on? A Yes sir, with Lewis Ross.

Q Was he a citizen of the Cherokee Nation? A Yes sir, said to be a Cherokee.

Q And you were living with him in the Cherokee Nation when the war come up? A Yes sir.

Q Do you know the applicant here? A Yes sir.

Q Is he akin to you? A My sister's son.

Q Where was this man born? A Born down here below Tahlequah.

Q Did he belong to Lewis Ross? A He belonged to his daughter, Araminta.

Q Where was this man while the war was going on? A Out in Kansas where they had taken us all.

Q They took you out there too? A Yes sir.

Q Did you go along the same time he was taken? A Yes sir.

Q What time did you come back to the Cherokee Nation? A Shortly after the war.

Q What year? A The next year after we laid down the arms.

Q You think you came back in '68? A Yes sir.

Q Did this man come back at that time? A I don't know whether he did or not; he didn't come with me.

Q Where did you first see him after the war? A Over on my place, over here on Grand River.

Q Where had he come from when he got there? A I don't know where he come from.

Q How old was he? A He was a young lad of a boy; he might have been about 17 or 18 years old.

Q What year was that? A I couldn't tell you what year; I am an uneducated man; I was born a slave and raised one.

Q Have you any idea how long after the war that was? A No sir, I had been on my place and had a pretty good field made out.

Q Was it as much as 15 or 20 years ago? A Longer than that.

Q Twenty-five years ago? A I expect it was.

Q Something like that? A Yes sir.

Q You then saw him on your place on Grand River? A Yes sir, he come there to see me.

Q What do you know of him from that time until now? A He has been right here in the country according to my knowledge.

Q Where has he been living? A Living on his place a bigger part of the time over here on Grand River, and part of the time he was working on the ferry; he farmed there two years for a man.

Q How far is his farm from your farm? A As high as I can get at it, about two miles from my farm up to his place.

Q Has he a home up there? A Yes sir.

Q How long has he had that place? A He had that place a good



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while; he married and raised two or three children on it.

Q Has he had that place as much as 15 years? A Well, Judge, I couldn't be positive about that.

Q Where did he live before he got that place? A He was living there working for a white man by the name of Drew Stevenson.

Q How long did he work for Drew Stevenson? A A couple of years.

Q And then where did he live when he quit there? A I don't know.

Q Where did he live before that? A He was working around about in the country there and on his own place.

Q He lived on his own place before he worked for Drew Stevenson?

A Yes sir, after he and his wife parted. He had a renter on his place and he worked around through the country.

Q How long after he came to your place the first time was it, before he worked for Drew Stevenson? A I don't know, sir; I never kept any count of it, Judge.

Q What account can you give of him between the time he came to your place and the time he worked for Drew Stevenson? A I couldn't give any, except that he was working around in the country.

Q You don't know who he was working for? A You see after my wife died; I married out here, I was out here living with my wife on Pryor Creek, and then I would go and see my children that was living on Grand River. I had eight children living there, and I couldn't tell where he was.

Q You don't know anything about him? A Not after that time.

Q What time, after you moved out west? A Yes sir.

Q Was that after he was working for Drew Stevenson? A He was working for him after I went out there.

Q And you don't know anything then about him after you went out there? A No sir.

Q Now, when you went out west he was working for Drew Stevenson? A Yes sir.

Q And you lost the run of him after you moved out west? A I don't know what he done, where he went, I couldn't tell.

Q Now, what I want to know is what he did and where he went from the time he first came to your place that I have spoken of, and the time you went out west? A That is what I told you, I can't tell anything about where he went; I couldn't keep track of him and work too. I couldn't do that.

J. S. Davenport: You don't remember, Mose, what year he came to your place? A No sir, I don't.

Q You know he had gotten back in '66 and made quite a farm before he did come? A Yes sir.

Q You had been there several years before he came? A Yes, I guess it was.

Q You don't know anything about where he has been living since he and his wife separated? A Not at all.

Q His wife was a Creek? A A Creek darkey.

Q Do you know when they separated? A I don't.

Q You don't know? A No sir, I was out west, I couldn't tell anything about that.

Commissioner: How long is it since you went west? A When this Railroad started from Sabin Creek down here, the fall before it started, that was the time I went out west and married out there; think it was in '80.

Q You think it was along in '80? A Yes sir.

Q About twenty years ago? A Yes sir, when I married my second wife.

J. S. Davenport: How long had he been to your place before you went west? A A good while.

Q About how many years? A I couldn't, and be safe, because I don't know.

Q Had he married before you went over there? A Yes, he was married; he and his wife had been to my house and stayed all night there.

Q Had he any children born before? A He had one; he may have had two; he never came to my place often.

J. S. Davenport of Abilene: Now, how old is your oldest child? A Going on 18 I guess.

Commissioner: How long since you and your wife separated? A About seven years I think.

The applicant is not identified on the roll of 1880, or upon the Wallace Roll, or the Kerns Clifton Roll, or upon the roll of 1896. It appears from a letter from the Acting Commissioner of Indian Affairs, September 4, 1891, addressed to the applicant and filed herewith, that he was permitted by the Department to participate in the distribution of a fund of \$75,000.00 among the Freedmen of the Cherokee Nation. The evidence shows that the applicant was taken to Kansas during the war. After that time and down to the present date, the evidence is of a very conflicting character, and for its further consideration, the applicant will now be listed as a Cherokee Freedman on a doubtful card, and the final decision of the Commission will be made known to him at his postoffice address.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

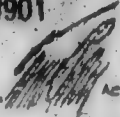
Subscribed and sworn to before me this 17th day of May, 1902.

*E. J. Rosheberger*  
*Commissioner*  
 Commissioner.

E 70283

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED  
NOV 22 1901

  
ACTING CHAIRMAN

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I.T., October 25, 1901.

In the matter of the application of Jefferson Ross et al. for  
enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:

Mellette & Smith, attorneys for the applicants;  
F. W. Hastings, of counsel for Cherokee Nation.

W. A. JOHNSON, being duly sworn by Commissioner Needles,  
testified as follows:

Mr. Hastings: What is your name? A W. A. Johnson.

Q What is your age? A 71 years.

Q What is your postoffice address? A Garnett, Anderson County,  
Kansas.

Q How long has Garnett been your postoffice? A Since the spring  
of 1858.

Q Did you know a colored man by the name of Jefferson Ross, or  
Loonian? A I knew a colored man by the name of Jefferson Loonian,  
whose name I understood was Jefferson Ross.

Q Did you know his father? A Yes, sir.

Q What was his father's name? A Jacob.

Q Do you remember his mother? A Yes, sir.

Q What was her name? A I don't remember her name, I only knew  
her by his name.

Q Well, when did you first learn to know this Jefferson? A About  
the latter part of '65 or early part of '66.

Q Well, how long did you know him? A I have known him ever since.

Q Do you know where he lives now? A Why I know where he lived  
until two years ago.

Q Where? A He lived in and near Garnett; he lived for a few  
years in the vicinity of Garnett but for thirty years or thereabouts  
he lived in the City of Garnett.

Q Was he ever married? A He had a family.

Q Do you know whether his wife is living or not? A His wife died  
a few years ago.

Q Has he some children? A Yes, sir.

Q You remember any of them? A Yes, sir.

Q And do you remember any of their names I mean? A Yes, I re-  
member the name of one of his children, Eli is his oldest child, a  
son.

Q Well, how did you understand his name to be Ross, how did you  
come into possession of that knowledge? A I learned it from both  
him and his father, they consulted me in relation to their rights  
under the treaty with the Cherokee Indians and the old gentleman -

Mr. Smith: If the Court please, I want to enter an ob-  
jection because that evidently was a confidential communication  
which the witness has no right to communicate without the con-  
sent of the applicant?

Commissioner: The objection will be noted and the witness  
will please answer.

A In speaking of the matter, the old gentleman said that Loonian  
wasn't the name of his master, and he supposed he would have to go by  
the name of his former master, which was Lewis Ross, and that, he said,  
was his Indian name, Lewis Ross, and Jeff has also talked to me about  
it a number of times.

Q Did Jeff ever own any property up there? A Yes, sir, he owned  
a little house and lot there in Garnett.

Q Do you know where he was married? A No, sir, I don't, I  
don't remember just when or where he was married.

Q Do you know where his children are now? A His children are there  
in and about Garnett; the eldest son I suppose is down here now, I



-3-  
saw him right before last, he told me he was coming down.

Q Where did you see him? A Saw him at Garnett.

Q What was his name, Eli? A Eli.

Q Well, has Jefferson Rose a brother by the name of Mose? A Yes, sir.

Q When did you first become acquainted with Mose? A About the same time I did with Jeff.

Q How long did you continue to know him? A Till about ten years ago.

Q He left there about ten years ago? A Yes, sir.

Q Well, you knew him from the time you first became acquainted with him up to the time he left? A Yes, sir.

Q I will ask you if Jeff or Mose or either ever exercised any rights of citizenship in the way of voting? A Why yes, both of them have.

Q You knew them both well? A Yes, sir, and I generally know how they voted.

Q I will ask you again, in order to get it in this record, I believe you stated in another case that you held a number of official positions, including County Attorney and Judge? A Yes, sir.

Q And was active in politics in your county? A I have been engaged in politics some in my time; more for others than for myself though.

Mr. Smith: Mr. Johnson, I believe you said you were a practicing attorney? A Yes, sir, have been since '53.

Q I understood you to state that this man about whom you are testifying in this citizenship application had consulted you? A Yes, sir, consulted me about their rights under the treaty with the Indians.

Q He consulted you in your capacity as a lawyer, I presume? A Well, he knew I was a lawyer and he consulted me, but he never retained me in any way as his attorney.

Q Well he consulted you with reference to the question of his citizenship in the Cherokee Nation, as I understand you? A No, I wouldn't say that.

Q Well, what did he consult you with reference to? A It was with reference to how he would obtain his rights.

Q Where? A To whatever lands or money that would be coming to the Freedmen under the treaty between the United States and the Indian tribe.

Q Well, wasn't that with reference to the question of citizenship in the Cherokee Nation? A Well, I suppose you might say it was, but it was never stated to me what his citizenship was or how he would obtain it.

Q Well you understood that it was as a Freedman under the treaty; now Mr. Johnson are you in the habit of furnishing information as to what people say to you when they consult you professionally? A No, I am not in the habit of doing it, although I do do it sometimes.

Q And you did do it in this instance? A Well, I wasn't retained as his attorney at all; you see these colored men very often come to me to talk about their rights, and did their matters generally.

Q Well, if they talked to you about their rights, as you term it, and with a view to getting your opinion as a lawyer, don't you regard that as a confidential communication? A No, sir, not unless I am retained.

Q You don't? A As an attorney.

Q Did or did you not regard a communication which is made during a relation which is leading up to the employment of counsel as a confidential communication?

Mr. Hastings: The representatives of the Cherokee Nation object to the question, because it is a question of professional ethics and is not involved in this case and does not tend to show whether or not Jefferson Rose complied or did not comply with the terms of the Treaty of 1866, and is therefore irrelevant and immaterial.

Commissioner: The objection will be noted; answer the



question.

A If a person comes to me and makes a statement, a confidential statement to me, with a view to obtaining my opinion upon any question of course I would consider it a confidential matter, but if in a general way a person comes to me and makes a statement of a matter, not with a view of obtaining my professional opinion, I don't call it confidentially made at all.

Q Wasn't Ross talking to you with a view to obtaining your opinion?

A I didn't so regard it.

Q Didn't you give him any opinion? A No, sir, not at that time.

Q Well, when did you give him one? A I told him later that I had examined the Treaty and I thought the freedmen had ought to, if they expected to obtain any rights under it, ought to have returned to the Territory and resumed their citizenship.

Q Then did you give him an opinion? A Later.

Q Did he pay you for it? A No, sir, never did.

Q Do you think the fact that he didn't pay you makes any difference?

A No, sir, it wouldn't make any difference.

Q You are a practicing attorney and live in Garnett, Kansas?

A Yes, sir.

Q What are you doing here testifying in this case?

Mr. Hastings: If the Court please, it does seem to me that that makes no difference; if they are kind enough to come by subpoenas from the Cherokee Nation it is of no consequence to the applicant or their representatives.

Commissioner: That is a question that has been asked and answered here a number of times. The character of the witness is high of course, but it goes to show. This witness does not come on any higher plane so far as a witness is concerned than any other witness; it goes to show the animus.

Q Why have you appeared here in Vinita to testify in this case then, I will say? A I came here in obedience to a subpoena that was served on me.

Q What kind of a subpoena?

Mr. Hastings: I insist upon the question, that it makes no difference if this man has come here in answer to a subpoena.

Commissioner: Let the objection be noted and the question will be answered.

A (Exhibiting paper to Commission.)

Q How long did you say you had been practicing law? A Since '53, except while I was in the army and while I was on the bench.

Q Now as a lawyer did you think you had to obey that subpoena?

Mr. Hastings: I object to that; you are not asking for opinions, you are asking for facts.

Commissioner: The objection will be sustained in that; the witness can appear here of his own volition if he desires.

Q Did you come voluntarily? A Yes, sir, I did, because I was subpoenaed.

WILLIAM RAY, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A William Ray.

Q What is your age Mr. Ray? A 33 past.

Q What is your postoffice? A Garnett, Kansas.

Q How long has that been your postoffice? A About 33 or 4 years.

Q I will ask you if you know a colored man up there by the name of Jeff Ross or Jeff Loonian? A Yes, sir, Loonian, I was acquainted with one named Loonian.

Q Did you know his father's name? A Yes, sir.

Q What was his father's name? A Jacob Loonian is what I was told it was.

Q What was his mother's name? A Lydia, I think.

Q Do you know whether he had a brother by the name of Moses, this Jeff? A There was one there called Moses what they called his brother

Q When did you first learn to know this family, including the father and Jeff and Mose? A Oh I know them along about '68, got acquainted with them.

Q Now how long did you continue to know Jeff? A Oh I knowed him off and on for all the time, would know him now if I saw him.

Q Did he have a family? A Yes, sir.

Q ~~Remembered his father's~~ What was his wife's name? A Sylvia if I am not mistaken.

Q Did you ever here Jeff go by any other name than Leonian? A Nothing more than just what I have heard, I didn't know any other name.

Q Well, what did you hear? A I heard that he used to belong to Ross is all.

Q Did Jeff have any children? A Yes, sir.

Q Do you remember any of them? A Yes, I know some of their names?

A Well, name some of them? A Why Eli I think was the oldest one, what I heard.

Q Well, do you remember another one? A Another one was Billy they called him.

Q Know any of the rest of them? A The next oldest one I think was named Mary, she died.

Q The next one? A Josie.

Q How long did Jeff live up there? A I just can't say.

Q Well, when did he leave there? A Why he has been coming off down here off and on for several years, and told me he was hunting up his claim down here, but it has been at least two years or more since he had been away for good, two or three years, he has been coming off quite a while and I was talking with him while he was gone and he said he was hunting up a claim down here, about that.

Q Well now where was his wife and children all this time? A Why they were there, his old woman was until she died.

Q About how long ago had she been dead? A I don't know, some two years or three, I didn't keep the date exactly.

Q She died at Garnett? A Yes, sir.

Q Did you know Jeff well? A Yes, sir.

Q Did you know Mose well? A Mose I didn't know him as good as I did Jeff.

Q About when did Mose leave there? A I just can't say, Mose left there early, him and his father got into a fuss and he run off from home when he was quite a chunk of a boy, I recollect that I know his father sent him after a horse and he didn't come back.

Q About how many years ago was that? A I can't say, it has been a long time, he was a good chunk of a boy and he has been back and forwards ever since, but he run off then and was gone quite a while.

Q How long did he live there after you knew him? A Oh I have been knowing him off and on.

Q How long did he live there before he did this running off, since you knew him? A Must have been five or six years.

Q That was before he first run off? A Yes, sir.

Q Now when did he leave there the last time, so far as you know?

A Oh 8 or 10 years, or maybe a little over.

Q Never was married? A Never up there.

Q Where are Jeff's children now? A Why some of them is in Garnett and some of them in the country around there.

Q When did you see them last? A I saw some of them every day or two.

Q Did Jeff own property up there? A Well he used to, he don't now.

Q How long has it been since he disposed of it? A Since his wife died, I guess sometimes about there, that is what I heard.

Mr. Smith: What did you say this man's name was that you knew, Jeff?

A ~~Leonian~~ is the man I think I spoke of.

Q You mentioned something about having heard that he belonged to Ross: now when did you hear that? A I can't say when it was.

Q About how long has it been? A I can't say.

Q You can give us some idea? A No, I and him had a conversation and he told me so but I don't know when it was.

Q Been five years ago or five months ago or how long? A Oh it is longer than that.

Q Longer than what? A Longer than five years or five months.

Q You don't know where Jefferson Ross was in '68 and '77? A I don't know where he was.

Q When did you first get acquainted with him? A Oh I got acquainted with him near the day after I got to Garnett, it must have been in the latter part of '68 when I got acquainted with him, sometime in '68.

Q Have you always lived in Garnett yourself since that time?

A I have, had a home there ever since '68.

Q Haven't lived anywhere else? A No, sir, never made my home no where else.

Q I said had you lived anywhere else? A Why there was my home, but I haven't made a home anywhere else except there.

Q How long is the longest period of time you were ever away from Garnett during that time? A Oh a month or two months.

Q Not longer than two months? A No, sir, I worked for Col. Houser up at Leavenworth City about two months when he was United States Marshal.

Q Well, did you work for other people away from Garnett at different times? A I worked for them in the country in Anderson County but not away any time, away from home that long.

Q Now from the time you first knew Jeff Ross how many years did he continue to stay there, before he commenced to go backwards and forwards? A I can't tell.

Q Don't know? A Can't tell.

Q You don't know when he first commenced to go back and forwards?

A I don't know.

Q From that place to the Territory? A Never taken any idea of it, I don't know.

Q When did his wife die? A Oh it has been two or three years ago.

Q You don't know whether that man that you are talking about is the man that is here in this case or not? A No, I haven't seen him here.

Mr. Hastings: Did he tell you who his old master was? A I don't know as he did, only they called him, said something about Ross.

Q This man Jeff, whose wife is dead, her name was Sylvie? A I am satisfied that was her name, that is what we called her anyhow.

Mr. Smith: Who called her Sylvie? A Well he did and I did and others.

Q You called her Sylvie too? A No, I didn't call her Sylvie, I generally called her sister, she belonged to our church and I generally called her as a member of our church.

Q What did you generally call her? A Sister Loonian.

Q Then you didn't call her Sylvie? A Oh when I would be talking to anybody else I might have called her Sylvie, but to her face I didn't do it, I always called my people that way.

Q Do you remember really what her name was? A I don't know what it was, as I told you, I know what we called her.

Commissioner: This testimony will be filed in the case at bar and a copy thereof will be made part of the record in the case of Moses Ross, on D card 283.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

*Bruce G. Jones*

Sworn to and subscribed before me this the 16th of November, 1901.

*M. J. Green*  
Notary Public.

COMMISSION TO THE FIVE CIVILIZED TRIBES  
DEPARTMENT OF THE INTERIOR

FILED

NOV 20 1901

RECEIVED NOV 20 1901

FILED BY THE COMMISSION TO THE FIVE CIVILIZED TRIBES



EM

Cherokee Freedmen D 233.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Moses Ross for enrollment as a Cherokee freedman.

DECISION.

The record herein shows that on May 15, 1901, Moses Ross appeared before the Commission at Vinita, Indian Territory, and made application for the enrollment of himself as a Cherokee freedman. A copy of the testimony taken in the case of Jefferson Ross et al., Cherokee freedmen D 372 is filed herewith and made a part of this record.

The evidence shows that Moses Ross was a slave of a Cherokee citizen at the commencement of the rebellion; that he was taken out of the Cherokee Nation during said rebellion, but did not return thereto within the time specified in the decree of the Court of Claims, rendered on February 3, 1896, in the case of Moses Whitmire trustee, etc., vs the Cherokee Nation, et al, for the return of freedmen to said Nation.

The applicant herein is not identified on the 1860 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the application of Moses Ross for enrollment as a Cherokee freedman should be denied under the provisions of section twenty-one of the act of Congress approved June 28, 1896 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Chairman.

  
Commissioner.

  
Commissioner.

Muskogee, Indian Territory,

this WAB 11 1901

  
Commissioner.



FD 283

INDIAN TERRITORY,  
CHEROKEE NATION.

I hereby certify that I served the with-  
in notice on .....

by delivering a true copy thereof on the  
..... day of ..... A. D. 1901.

Given under my hand this.....  
day..... A. D. 1901.

.....  
Marshal for Cherokee Nation.

I, the undersigned attorney for the  
within named applicant hereby accept  
service of the within notice on this the  
..... day of ..... 1901.

.....  
Attorney for Applicant.

UNITED STATES OF AMERICA, }  
INDIAN TERRITORY, } s. s.  
NORTHERN DISTRICT.

I do solemnly swear that I delivered a  
true copy of the within notice to.....

.....  
on the..... day of ..... A. D. 1901

.....  
Subscribed and sworn to before me  
this..... day of ..... A. D. 1901.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED  
SEP 21 1901

# NOTICE!

IN THE MATTER OF The application of Moses Ross  
for enrollment as a Cherokee Freedman:

Case No. F. D. 283

To Moses Ross Ketchum I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory, Indian Territory, on the following dates, to-wit: Oct. 15th at 8 o'clock A. M. A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 13 1901 day of SEP 13 1901, 1901.

L B Bell  
M. W. H. H.

Attorneys for the Cherokee Nation.

# AFFIDAVIT.

UNITED STATES OF AMERICA, }  
INDIAN TERRITORY, } SS  
NORTHERN DISTRICT. }

In the matter of the application of Moses  
Ross for enrollment as a Cherokee Freedman.

No. F. D. 283

Henry Pack, of lawful age, being duly sworn on  
oath states that on the 14 day of September A. D., 1901, he registered  
to Moses Ross whose postoffice is Ketchum

Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto  
attaches the receipt of the Postmaster at Fort Gibson Indian Territory;  
and that on the 20 day of September, 1901, he received the return  
card which is hereto attached, signed by the said Moses Ross, showing  
that he had received said notice.

Henry Pack  
Subscribed and sworn to before me on this the 20 day of Sept A. D. 1901.

Notary Public.

50083

19

# **NOTICE.**

## **Cherokee - Freedmen - Enrollment.**

The Commission to the Five Civilized Tribes will continue in session at

### **MUSKOGEE, IND. TER.,**

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Moses Ross,  
Ketchum, I.T.  
Cherokee F-D-283  
Register.

TAMS BIXBY,  
T. B. NEEDLES,  
C. R. BRECKINRIDGE,  
Commissioners.



MEMORANDUM


7B

FD 283

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

MAY 15 1901

  
ACTING CHAIRMAN

## MEMORANDUM OF APPLICATION.

## CHEROKEE FREEDMEN.

Date

Post Office

District

May 15-1901  
Ketchum - J. I.  
Delaware

1. Name

Age

Father's name

Citizenship

Year

Page

No.

District

Parents:

Father

Citizenship

Mother

Citizenship

2. Name of wife

Age

Owner's name

Citizenship

Year

Page

No.

District

Parents:

Father

Citizenship

Mother

Citizenship

Names of Children:

3.

Year

Page

No.

Dist.

4.

Year

Page

No.

Dist.

5.

Year

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No.

Dist.

6.

Year

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Dist.

10.

Year

Page

No.

Dist.

11.

Year

Page

No.

Dist.

12.

Year

Page

No.

Dist.

Application made by

Stenographer

No. 1.

As Thunberger

in reply to the following:

L  
31139-1891.

# Department of the Interior

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, Sept. 4, 1891.

Moses Ross, (Col'd),  
Bolin's P.O.,  
Cherokee Nation, I.T.

Sir:

I am in receipt of your letter of August 28, 1891, enclosing your affidavit as to your parentage and residence in the Cherokee Nation, as required in Office letter of April 16, 1891, corroborated by the testimony of June Martin and Vina Scales, two accredited members of the Cherokee Freedmen.

From reading said affidavit, I find that you are the same Moses Ross as appears on Special Agent Wallace's rejected list, No. 880. In your affidavit before Mr. Wallace you state that you were in Florida at the breaking out of the war; that you returned to the Cherokee Nation, but by reason that you failed to state that your residence in the Nation had been continuous since 1869, he rejected your claim. That link of evidence you now furnish, as well as satisfactory answers to the interrogatories propounded to you in said Office letter of April 16, 1891, which entitle you to recognition as a claimant upon the fund of \$75,000 appropriated by Congress and now being distributed by Agent Bennett.

You do not file any evidence as to your wife, Nisey, being a claimant on said fund. If you make a claim in her behalf it will be necessary for you or her to give her name before marriage, and to make similar proof as yourself to establish a claim, and when made to forward it to Agent Leo E. Bennett, to whom I have this day forwarded the affidavits made before Jonathan Gore and before Special Agent Walker, as well as a copy of this letter, with instructions to put you in possession of your property and protect you therein, as there can be no doubt from this testimony that you are entitled to recognition by the Government as a Cherokee Freedman, and to the benefits arising under the 9th article of the Cherokee treaty of 1866.

As Agent Bennett has other names of parties claiming to be entitled to participate in the distribution of this fund of \$75,000, your name will not be sent up for approval and to be heard from and the case of your wife is adjusted. You should and must receive the same protection that is given to those Freedmen whose names are upon the approved schedules.

I enclose herewith for your information a copy of my letter to Agent Bennett on your case.

Very respectfully,

  
Acting Commissioner.

R.F.T.

Muskogee, Indian Territory, March 11, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Moses Ross for the enrollment of himself as a Cherokee Freedman, together with the Commission's decision, dated March 11, 1904, rejecting said application.

Respectfully,

~~Commissioner in Charge.~~

Through the

Commissioner of Indian Affairs.

Enc. V-27.



COPY  
Cherokee F.D-263

Muskogee, Indian Territory, March 15, 1904.

Moses Ross,

Ketchum, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself as a Cherokee Freedman, together with a copy of the Commission's decision, dated March 11, 1904, rejecting your said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

L. D. [Signature]

Commissioner in Charge

Register.

Enc. V-25.

Commissioner in Charge.

COPY.

Cherokee F.D-283

Muskogee, Indian Territory, March 18, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,  
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 11, 1904, rejecting the application of Moses Ross for the enrollment of himself as a Cherokee Freedman.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

*I. B. Needles*

Enc. 3-26.

Commissioner in Charge.

Refer in reply to  
the following:  
Land.  
18425-1904.

( C O P Y )

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, July 26, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated March 15, 1904, transmitting the record of the application for enrollment as a Cherokee freedman of Moses Ross.

March 11, 1904, the Commission decided that the applicant was not entitled to enrollment as a Cherokee freedman.

The record shows that the applicant was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that during the war he was taken out of the Cherokee Nation and that he returned to the Nation prior to February 11, 1867, and has made it his home ever since to the date of the record. His name is not identified on any roll except that he claims to have drawn \$15.50, Cherokee strip money by direction of this office.

The Cherokee Nation through its attorney has introduced some testimony from the case of Jefferson Ross et al, but it does not appear to be relevant to this case in any respect.

In view of the record it is recommended that the de-

-2-

tion of the Commission adverse to the applicant, is reversed  
and that the applicant be enrolled as a Cherokee Freedman.

Very respectfully,

A. U. Tenner,

Acting Commissioner.

H.R.H.

V.

3 encl.

( COPY )

D.C. 27457-1904.

J.P.

DEPARTMENT OF THE INTERIOR,

THE

I.T.D. 8056-1904.

WASHINGTON.

July 30, 1904.

L R S

Commission to the Five Civilized Tribes,  
Muskegee, Indian Territory.

Gentlemen:

July 26, 1904, the Acting Commissioner of Indian Affairs submitted the Cherokee freedman case of Moses Ross (D-283), and recommended that your decision, adverse to the applicant, be not concurred in, and that you be directed to enroll the party.

You found in your decision of March 11, 1904, that Ross was the slave of a Cherokee citizen at the commencement of the rebellion, and that he was taken from the Cherokee Nation, but did not return within the time specified in the decree of the Court of Claims in the case of Moses Whitmire trustee, etc., vs the Cherokee Nation, et al, for the return of freedmen to said Nation.

The Acting Commissioner states that it is shown that the applicant returned to the nation prior to February 11, 1867, and has made his home there ever since.

The name of the applicant is not found upon any roll of said nation.

The burden of proof was upon him to show, by satisfactory evidence, that he returned to the nation within the time



required by the treaty of 1866. See opinion of the Assistant Attorney General of March 22, 1904, relative to the cases of Joseph Campbell, John Taylor and Henry Hayden. This he has not done. The testimony introduced by him is very unsatisfactory and not sufficient by any means to overcome that introduced by the nation. The Department finds no reason to disturb your decision, and the same is hereby affirmed.

A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

1 inclosure.

Cherokee Freedmen,  
D-283.

Hastings, Bell & Davenport,  
Attorneys for the Cherokee Nation,  
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision, dated March 11, 1904, rejecting the application of Moses Ross, for enrollment as Cherokee citizens, was affirmed by the Secretary of the Interior on July 30, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedman,  
D-223.

Muskogee, Indian Territory, August 11, 1904.

Moses Ross,

Ketchum, Indian Territory.

Dear Sir:

You are advised that the Commission's decision, dated March 11, 1904, rejecting your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on July 30, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen  
R 434

Muskogee, Indian Territory, August 9, 1906

Moses Ross,

Ketchum, Indian Territory.

Dear sir:

Referring to your letter of May 6, 1906, in further reference to your claim to certain land in the Cherokee Nation, you are advised the records of this office show that the application of one Moses Ross of Ketchum, Indian Territory, a son of Jacob and Lydia Ross, was denied by the Secretary of the Interior on July 30, 1904, and that a motion for review of his case was filed with the Department September 7, 1905, and is pending at the present time.

This office's letter of April 27, 1906, enclosed with your letter is returned herewith.

Respectfully,

L M B

Commissioner

Encl. B-39

Muskogee, Indian Territory, November 21, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

January 15, 1906 (I.T.D. 8297-8337-8957, inclusive-odd numbers-1905, 460-1906), the Department forwarded this office a copy of an approved opinion of the Assistant Attorney General, dated January 10, 1906, "relative to all motions in Cherokee freedmen cases;" also copy of a schedule of names of claimants in said cases furnished by the Attorneys filing the motions, and a copy of the letter of said Attorneys, and of Departmental letter to said Attorneys.

The Assistant Attorney General, in his opinion, states that "the numeral memorandum at head of the references (copied at head hereof) indicates that the motions involved seven hundred and twenty-two cases, though the motions referred to are numbered but three hundred and eleven."

The records of this office have been made to show that motions were filed September 7, 1905, the date of the filing with the Department, in all of the cases included in the copy of schedule of names furnished this office by the Department January 15, 1906.



Secretary of the Interior -- 2.

A great many of these motions were denied by the Department in its two letters to this office, dated May 2, 1906 (I.T.D. 8347.....8705, and I.T.D. no number).

Among the cases included in said copy of schedule is the Cherokee freedman case of Moses Rose, the subject of Departmental decision of July 30, 1904 (I.T.D. 6088-1904).

So far as this office is informed, all of the motions filed September 7, 1905, were simply based upon an alleged misconstruction of the Treaty of July 19, 1846, relative to the return to the Cherokee Nation of Cherokee freedmen, and, in view of paragraph 2, of section 3, of the Act of Congress approved April 26, 1906 (34 Stat., 137), it appears that there is no merit to the motions for a review of the case of Moses Rosey and it is respectfully recommended that the motion be denied.

Respectfully,

Commissioner.

Through the  
Commissioner of Indian Affairs.

S.V.

--copy--

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

LAND:

52076-1904.  
103301-1906.

---

December 12, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to departmental letter of July 30 (I.T.D. 6056-1904), affirming the decision of the Commission to the five civilized Tribes, rejecting the application of Moses Ross for enrollment as a Cherokee freedman, I have the honor to transmit herewith a communication from the Commissioner to the five civilized tribes, dated November 21, 1906, in which he refers to departmental letter of January 15, 1906 (I.T.D. 8297, 1357, 8957) "relative to all motions in Cherokee freedmen cases", and saying that among the cases included in the copy of the schedule is the Cherokee freedman case of Moses Ross.

A great many of these motions, the Commissioner says, were denied by the Department, but it does not appear that the motion relative to Moses Ross has been acted upon. The motions were based upon an alleged misconstruction of the treaty of July 19, 1866, relative to the return to the Cherokee Nation of Cherokee freedmen, and, in view of paragraph 2, section 3, of the Act of Congress approved April 26, 1906 (34 Stat.L., 137), the Office concurs in

the recommendation of the commissioner that the motion for review of the case of Moses Ross be denied.

Very respectfully,

C. P. Larrahee,

Acting Commissioner.

KWL-KH

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

PHE.

I.F.D. 25146-1906.  
18718- "

February 12, 1907.

L.R.S.

Direct.

Commissioner to the five civilized tribes,  
Muskogee, Indian Territory.

Sir:

In review of Paragraph 2, Section 3, of the Act of April 26, 1906 (34 Stat., 137), the motion for rehearing in the Cherokee freedman case of Moses Ross, received with your letter of November 21, 1906, and Indian Office letter of December 12, 1906, (Land 103301-06), is hereby denied. A copy of the Indian Office letter is inclosed.

The other papers in the matter, and a carbon copy hereof, have been sent to the Indian Office.

Respectfully,

Thos Ryan,

1 inc. and 8 for ind. of.

First Assistant Secretary.

A. F. No.  
~~2-13-07.~~

Cherokee F.R.

434

COPY

Muskogee, Indian Territory, March 4, 1907.

Blue & Bulger,

Attorneys for Moses Ross,

Baxter Springs, Kansas.

Gentlemen:

You are hereby advised that a motion filed by you September 7, 1905, in the Cherokee freedman enrollment case of Moses Ross, was denied by the Secretary of the Interior February 12, 1907.

For your information, there is enclosed herewith a copy of Departmental letter.

Respectfully,

SIGNED *Tams Bixby*,  
Commissioner.

Enc I-1

RPI



Cherokee F.R.  
434

COPY

Muskogee, Indian Territory, March 4, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that a motion for a rehearing in the Cherokee freedman enrollment case of Moses Ross, filed September 7, 1905, was denied by the Secretary of the Interior February 12, 1907.

For your information, there is enclosed herewith a copy of Departmental letter.

Respectfully,

SIGNED *Wm. D. Dwyer*  
Commissioner.

Enc 1-2  
RPI

Cherokee F.R.

434

COPY

Muskogee, Indian Territory, March 4, 1907.

Moses Ross,

Ketchum, Indian Territory.

Dear Sir:

You are hereby advised that a motion for a rehearing of your Cherokee freedman enrollment case, filed by your attorneys, Blue & Bulger, September 7, 1905, was denied by the Secretary of the Interior February 12, 1907.

Respectfully,

SIGNED *Tams Bixby.*

Commissioner.

ENC 1-1  
RPI

Cher. Fr. R. 435

Cher. Fr. R. 435

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RECEIVED TO THE FBI

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MAY 28 1962

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I.T., May 15, 1902.

In the matter of the application of Lizzie Weaver for the enrollment of herself and child as Cherokee Freedmen.

Cherokee Nation represented by L. B. Bell.

The said Lizzie Weaver, being duly sworn and examined by the commission, testified as follows:

- Q What is your name? A Lizzie Weaver.  
Q How old are you? A 20.  
Q What is your postoffice address? A Brush Hill.  
Q What district is that in? A Creek.  
Q In the Creek Nation? A Yes, sir.  
Q Do you apply for enrollment as a Cherokee Freedman? A Yes, sir.  
Q Do you apply for anyone besides yourself? A Yes, sir.  
Q That baby there? A Yes, sir.  
Q What's the baby's name? A Emma Weaver.  
Q How old is the baby? A 8 months old.  
Q What's its father's name? A Eddie Weaver.  
Q Is he living or dead? A He's living.  
Q What is he? A He is a Cherokee-Creek.  
Q Is he a recognized citizen of the Creek Nation? A Yes, sir.  
Q He isn't a recognized citizen of the Cherokee Nation, is he? A No, sir, he's a full-blood Creek Indian.  
Q He is an Indian, is he? A Yes, sir.  
Q Have you ever applied for the enrollment of yourself as a citizen of the Creek Nation? A No, sir.  
Q Have you ever applied for the enrollment of this child as a citizen of the Creek Nation? A No, sir.  
Q What's the name of your father? A Reuben Hall.  
Q Is he living or dead? A He's dead.  
Q What's the name of your mother? A Nellie Hall.  
Q Is she living? A No, sir, she's dead.  
Q How were your parents Cherokee slaves? A No, sir, they isn't slaves.  
Q Were they ever slaves? A No, sir.  
Q Were they free born negroes? A Yes, sir.  
Q Were your parents both free born negroes of the Cherokee Nation? A Yes, sir.  
Q Where were you born? A In the Cherokee Nation.  
Q Have you ever lived outside of the Indian Territory? A No, sir, never did until now; I will be in the Creek Nation one year this coming August.  
Q You have never been outside of the Creek Nation or the Cherokee Nation have you? A No, sir, never have.  
Q How have you ever been recognized by the authorities of the Cherokee Nation as a citizen? A Yes, sir.  
Q Have you drawn any money from the authorities? A Yes, sir, I have.  
Q What money have you drawn? A The colored freedmen money.  
Q How long has your father been dead? A Well as high as I can recollect I suppose he's been dead nigh about 11 years.  
Q How long has your mother been dead? A Well I suppose she's been dead 20 years; I am 20 years old.  
Q Do you know of your own knowledge whether your father ever drew any money from the tribal authorities of the Cherokee Nation? A No, sir, he didn't.  
Q With whom were you living when you drew this money? A I was living with Ann Tucker.  
Q What was she, Cherokee Freedman? A Yes, sir.



Q Was this money paid directly to you? A No, sir.  
Q Who was it paid to? A It was paid to her.  
Q Do you know whether or not she drew the money for you herself?  
A Yes, sir, I knew she drew the money for me.  
Q Did you ever get any of that money? A Yes, sir.  
Q How long after the payment was it before you received the money?  
A Well I received the money just as it was drawn.  
Q Was it handed right over to you? A Yes, sir.  
Q Now what payment was that, who was making the payment? A Well I don't know, sir, I couldn't tell you that.  
Q Where did you draw it? A We drew at Fort Gibson.  
Q Was that known as the Kerns-Clifton payment? A Yes, sir.  
Q You are certain that you drew that money there? A Yes, sir.  
Q Under what name did you draw the money? A Lizzie Hall.  
Q Now after the death of your father or rather after the death of your mother who did you live with? A Ann Tucker.  
Q Did you go to live with her immediately after the death of your mother? A Well, no, sir, not just after my mother died; lived with my father after my mother died until I was 11 years old.  
Q Well where did you go to live then? A I went from there - my father give me to Ann Tucker on his death-bed, and I lived in the house with her until I was 19.  
Q And then you married Eddie Weaver? A Yes, sir.  
Q You never were married before you married him were you? A No, sir.  
Q Well you are not on any of those rolls. Did they ever call you anything but Lizzie? A Yes, sir.  
Q What else did they call you? A Why I don't know; that's what my name always did been.  
Q Did you ever go by any other name than Lizzie Hall? A Nothing but Lizabeth Hall.  
Q Never called you Martha? A No, sir, I have a sister named Martha.  
Q How old is she? A She's just a little small girl, she's about five years old I suppose now, there was five of us children.  
Q Five years old? A Yes, sir.  
Q I thought you said you was only 11 years old when your mother died? A My father married after my mother died.  
Q Who did he marry? A Married my mother's sister. Her name was Ada Taylor; after she was married, she was Ada Hall.  
Q How long was she married to your father? A I don't know sir, but I know they lived together long enough to have five children after my mother died.  
Q What was your father's second wife's name? A Ada Hall.  
Q Did you ever know anybody by the name of Florence Hall? A Yes, sir, that was my sister.  
Q Older or younger than you? A She's younger than I is, next to me.  
Q Who was her mother? A Ada Hall.  
Q Is Ada living now? A Yes, sir, she's living.  
Q She a Freedman? A Well I couldn't tell you that. I don't know nothing about it, only know she's my mother's sister, I reckon they're all one blood.  
Q Did you ever have a sister named Martha? A Yes, sir.  
Q Did you ever have a sister named Mary? A Yes, sir.  
Q Did you ever have one named Ned? A Yes, sir, that's my brother.  
Q And you had one sister named Florence, did you? A Yes, sir, she's living now; Florence, Ned, Martha and Mary.  
Q You are the oldest child in the family are you? A Yes, sir, the girls; I have one brother dead, Harry, Harry Hall, that's the oldest one, but I don't suppose his name is on the roll at all.  
Q They never called you Florence, did they? A No, sir.  
Q Did you ever have more than one sister named Florence? A No,

Q sir.

Q Is that Henry the only child that your father ever had? A No, sir.

Q He died? A Yes, sir.

Q The others are all living? A Yes, sir.

Q Well who's on there as Florence Hall, that's just how who's on that roll. A Well I guess they put as both Florence then.

K. C. Hall, page 179, No. 4584, Florence Hall, no district mentioned.

Q Now that is the only time that you ever drew money was it? A Yes, sir.

POLP THOMPSON, being first duly sworn, testified as follows:

COMMISSIONER: What is your name? A Polp Thompson.

Q How old are you? A I am 64 years old, going on.

Q Where do you live? A Bragg.

Q Are you acquainted with the applicant in this case, Lizzie Weaver or Lizzie Hall? A Yes, sir, I am acquainted with her.

Q How long have you known her? A Known her ever since she was a child.

Q Where was she living when you first learned to know her? A She was living at Greenleaf near Bragg.

Q In the Cherokee Nation? A Yes, sir.

Q Did you know her father? A Yes, sir.

Q When did you first become acquainted with him? A I become acquainted with him ever since he was a child, knowed his mother before he was ever borned.

Q About how old a man was he when he died? A Well I don't know, that was in slavery time, but he was just a boy and working at the outbreak of the rebellion.

Q Did you know this applicant's mother, Nellie? A Yes, sir.

Q Where was she living at the outbreak of the war? A Why I couldn't tell you.

Q When did you first learn to know her? A I got acquainted with her after the war down in the land.

Q How long after the war, was it before you learned to know Nellie Hall? A Well it was I reckon about some ten or twelve years after the war.

Q Never know her before that time? A No, not her mother.

Q Now was she and Reuben Hall living together as man and wife when you first learned to know them, did you ever see them living together as man and wife? A Her mother.

Q Reuben and Nellie? A No, sir, not when I first knew her.

Q Well did you ever see them living together as man and wife? A No, sir.

Q So you know whether or not they were married? A No, sir, I don't.

Q Did Reuben Hall belong to a Cherokee citizen when you first learned to know him? A No, sir, he wasn't; he was called free negroes.

Q Where did he come from? A I couldn't tell you; that was before the war; I got acquainted with him before the war.

Q How long before the war? A Well some four or five years before the war.

Q Where did you first learn to know him, at what place? A I was living in Greenleaf land right over there.

Q Was he there when you went there or did he come afterwards? A No, sir.

Q You have no idea where he came from? A No, sir.

Q Did he leave the Cherokee Nation at the outbreak of the war?

A Yes, sir, his mother and I we went out together, and we left the country.

Q Where did you go? A We went to Rays Mills, 15 miles of Hayesville.

Q In Arkansas? A Yes, sir.

Q How long did you continue to reside there? A One month, about a month.

Q Where did you go then? A Came to Fort Gibson.

Q What year was that in? A Well I couldn't tell you, it was something just right after the breaking out of the rebellion, of course I couldn't say the date and time.

Q Well how long did you stay in Fort Gibson then? A Stayed there till the war ceased.

Q Where did you go then? A Never went nowhere.

Q Where did he, this Reuben Hall, go? A Never went nowhere.

Q Always resided in Fort Gibson? A Yes, sir, until he died, yes, sir. - Not at Fort Gibson, but down about Greenleaf.

Q Well was he ever recognized as a citizen of the Cherokee Nation? A Well no further than this, I can say this; he owned property, he owned plantation, I knew of them buying plantation, and selling them, and I know of them improving one, sold it to Mr. Watkins, which is a man living right down here now, running a ferry.

Q When did this Reuben Hall first acquire any property in the Cherokee Nation to your knowledge? A Up about Gibson, that's on this side of Gibson.

Q When was that? A That was after the emancipation a few years.

Q Well how old about was he when the war broke out? A Well I don't know; he was, he must have been about I reckon four or five years old, to the best of my knowledge.

Q When the war broke out? A Yes, sir, at the breaking out of the war I think.

Q Well did he acquire any property before that? A He was a good big boy, he rode behind his mother all the way out.

Q Where did he continue to reside until the time of his death?

A Right over here near Braggs, he sold this last place, the last plantation, he sold, was his mother's, and he sold that to Mr. Patrick over there, if you are acquainted with Mr. Patrick, one of our leading merchants right over there in Braggs, now the last plantation he sold he sold to Mr. Patrick.

Q Were you intimately acquainted with him all that time? A Yes, sir.

Q Do you know of your own knowledge whether or not he ever drew any money from the authorities of the Cherokee Nation? A No, sir, not to my knowings.

Q He didn't draw any money to your knowledge? A Not to my knowings.

Q Now this girl's mother Nellie, do you know who she belonged to?

A No, sir.

Q Do you know whether or not she was a Cherokee slave? A No, sir.

Q You don't know anything about the girl's mother? A No, sir.

He more than I have been acquainted with her.

Q Well then as a matter of fact Reuben Hall himself has never been recognized as a citizen, has he? A Not to my knowings. No further than that I have already made a statement of.

Q And this girl gets her right to enrollment through her mother does she? A Through her father.

Q Well wasn't her mother a citizen, Nellie? A No, sir.

Q What was she, a state woman? A Yes, sir, that's what she's considered.

Q She was never recognized as a citizen, Nellie wasn't? A No, sir.

Q Do you know where she came from when she came to Fort Gibson?

A No, sir.

Q Never heard her say where she came from? A No, sir.

Q When did you first say you got acquainted with this



man Reuben Hall's mother? A Mother, why before the war, before the war, about four or five years before the war.

Q Well did you say you saw the other man, what was his name, the father of Reuben Hall? A Ab Hall, he died just about the breaking out of the rebellion.

Q Well you never saw this woman until ten or eleven years after you got acquainted with Ab Hall, this woman's mother? A No, sir, no, sir, not till after the war.

Q Well did the old man and his wife come here, come to the Cherokee Nation? A Yes, sir, they were come when I got acquainted with him.

Q Where did they come from? A I couldn't tell you.

Q Well when did you first know them? A I first knew them just about four or five years before the war, got acquainted with him right there in Greenleaf Bend first.

Q Well they must have moved in there didn't they? A The first I knew them they lived on this side, right opposite the Bend, on this side of the Arkansas River, and they stayed there maybe a year and maybe more, then they moved on the other side right in very near neighbors, right very right close to my old boss's Aleck Thompson's, and they continued there then until the rebellion come up.

Q Well where did they come from when they come there? A I couldn't tell you to save my life.

Q That was along about '55 or '6 you say, four or five years before the war begun? A Yes, sir, I guess so.

Q Who did they stay with on this side of the river? A They stayed over there about Mr. Pettit's, I don't know whether it was on his plantations or whose.

Q Frank Pettit? A Yes, sir, his folks.

Q Yes. A The first I ever heard when they first come in they stopped with Mr. Mackey, old Jim Mackey that run the old salt works down on the Illinois.

Q That was on the other side of the river? A Yes, sir, on the other side of the river, there's where I first heard of them, but I had never seen them, never got acquainted with him then.

Q You wasn't acquainted with him then? A No, sir, I heard of them they came over on this side of the river over there about Mr. Pettit's, I don't know now or course whether it was on his place or whose, but it was over about Mr. Pettit's there, and I think if I ain't mistaken I believe it was on his place, but I ain't positive vary; when they left there they went over there in our settlement there near my old boss's, my old man's, Aleck Thompson.

Q Well you folks knew them as free negroes? A That's what they was called then.

Q From the states? A I couldn't tell where at that time.

Q Well didn't you understand them to be free Cherokees, free slaves? A I didn't know whether they was.

Q You never made any inquiries? A No, sir, not at that time; of course I didn't pay much attention to nothing like that then; I just know just much about them.

Q Well wasn't this wife of his a white woman really, come down to the truth of it, Reuben's wife? Reuben's mother?

Q Yes, sir. A No, sir, I couldn't say that; I know she didn't have the complexion of a white Indian; she didn't look like a white woman, I see lots of them looked like they might be whiter than her. Anybody could tell that she was mixed-blooded negro, that's what they called people, negroes, and Ab was nothing but a white man.

Q Well of your own estimation about it being four or five years before the war you first seen them, why wasn't it about two years before the war? A No, sir, I am telling it as well as I know it; I was quite young at that time myself.

Q Well now how long did they stay in the bottom there by Jim Mackey's about what year? A Well I don't suppose they stayed there much over a year, any more than a year, after they moved over there, and

he died and right after he died I know they all commenced to scatter from home.

Q Well now when they moved there, that's when you first heard of them coming to the salt lake you understood before that they had just simply moved at that salt lake to do what? A Work, they must have been working for Mr. Mackey.

Q And that they were free negroes come in there? A Yes, sir.

Q Well now they didn't stay there more than a year until they moved across the river, didn't they? A Well I couldn't tell you to save my life.

Q Well got at it as near as you can? A They must have stayed a year or may have stayed two years, and they worked there for Mr. Mackey, but I couldn't tell how long.

Q Well you never understood them within that time to have been former slaves of Cherokees? A No, sir.

Q And you didn't believe they were, did you? A Well at that time you know I had no right to think anything about it, I was a slave myself.

Q That's all right; you was 20 years old? A Yes, sir, I was 22 years old I think as well as I recollect.

Q Green man? A Yes, sir, I was a man.

Q Well now wasn't it a fact that when them free colored persons come about amongst you slaves you all noticed them, the difference of conditions between you would make you pay attention to them and make some inquiry? A Yes, sir.

Q Well now didn't you make some inquiry about these folks and didn't you interest yourselves in them in the way of inquiring? A Never did, never did make any inquiries about it.

Q Well could you swear positively that they stayed two years at that salt lake? A No, sir.

Q Don't you really believe they did do it? A Well I wouldn't say, I wouldn't say, I couldn't tell you how long; I know I recollect when they stopped there, and they stayed there, just heard them talking about it, this family.

Q Well up to the war and to the close of the war did they own a farm here, buy places and sell around, up to the war? A No, sir, not to my knowledge.

Q They were just simply renters in the country? A Yes, sir, they was just in the country.

Q You don't know whether they ever made a crop or anything of that sort? A No, sir, they were in here.

Q Where did the old man Hall die? A He died right on the other side of the river in Bragg's.

Q When did he die? A Before the war.

Q Did his wife die before the war? A No, sir, she died since I reckon about eight or nine years maybe ten, since she died.

Q What was her name? A Martha.

LEWIS TUCKER, being first duly sworn, testified as follows:

COMMISSIONER: What is your name? A Lewis Tucker.

Q How old are you? A I am about I expect I am about fifty-one or two.

Q Are you acquainted with the applicant in this case, Lizzie Weaver or Lizzie Hall? A Yes, sir.

Q How long have you known her? A Why I have known her about twenty years.

Q Where was she living when you first met her? A Over here in Illinois District.

Q Cherokee Nation? A Yes, sir.



Q Did you know her father? A Yes, sir.  
 Q What was his name? A Reuben Hall.  
 Q Did you know her mother? A Her mother?  
 Q Yes, sir. A Yes, sir.  
 Q What was her name? A Name was, oh I can't call it, yehaw.  
 Q Well when did you first learn to know her father? A For I have known her father ever since the war.  
 Q How long have you known her mother? A Well I have known her mother I guess it's been some 22 or 3 years.  
 Q Where did her mother come from? A I don't know where her mother come from.  
 Q Was she a citizen? A No, sir, she wasn't.  
 Q State woman? A Yes, sir.  
 Q Did you know the father and the mother of Reuben Hall? A I knew the mother of Reuben Hall.  
 Q What was she? A She was, well she claimed to be Cherokee.  
 Q Freedman? A She claimed to be Cherokee full.  
 Q Cherokee by blood? A Yes, sir.  
 Q Was Reuben Hall ever a slave? A No, sir, he wasn't never a slave.  
 Q What was his father? Ah Hall I suppose, I never did see him.  
 Q What was Ab Hall, freedman? A Yes, sir.  
 Q Do you know whether or not Reuben Hall was ever recognized as a citizen of the Cherokee Nation prior to his death? A Well more than this way: why he owned land I know in Illinois District, several plantations, where he had bought them and sold them.  
 Q Were you intimately acquainted with him? A Yes, sir, raised with him.  
 Q Do you know whether or not he ever drew any money from the authorities of the Cherokee Nation? A Well he never did draw no money.  
 Q Never did? A No, sir.  
 Q Was he ever recognized as a citizen, that is was he ever enrolled, put on any roll? A I think he was put on a roll once, about '72 I think it was, that was the only roll I ever knew of him being on.  
 Q Mr. Hall: Do you know whether they was married or not, Reuben Hall and his wife? A No, sir, I don't, I never did hear him say.  
 Q How long did you know them to live together? A Well I have known them live together till she died.  
 Q Well but how long? A Well that was some three or four years.

**COMMISSION:** Lizzie Weaver applied for the enrollment of herself as a Cherokee Freedman. She is not identified on the Authenticated roll of 1880 or the census roll of 1896. She is identified on the Kerns-Clifton roll of Cherokee Freedmen under the name of Florence Hall. Neither her father nor her mother are identified upon any of the tribal rolls of the Cherokee Nation now in the possession of the Commission. Applicant avers that she has lived in the Cherokee Nation all her life. By reason of the fact that she is not identified upon any of the tribal rolls, final judgment as to her enrollment will be suspended and her name will be placed on a doubtful card, awaiting further consideration by the Commission.

Arthur G. Crofinger, Being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 16th day of May, 1901.

Arthur G. Crofinger  
 [Signature]  
 [Signature]



File with F.2-1116, Lizzie Tucker.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I.T., May 28, 1902.

In the matter of the application of William Tucker for the enrollment of himself as a Cherokee Freedman.

SUPPLEMENTAL TO D-126.

Cherokee Nation appears by V.V. Hastings.

COMMISSION: The Cherokee Nation, by its representative, makes satisfactory proof of service on the applicant's father, Lewis Tucker, that it would on the 26th day of May, 1902, at the office of the Commission to the Five Civilized Tribes in the town of Muskogee, Indian Territory, introduce testimony tending to disprove the right of his son, William Tucker, to enrollment as a Cherokee Freedman. The applicant has this day been called and fails to respond, either in person or by attorney.

Daniel Roach, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A Daniel Roach.

Q What is your age? A 78 years old.

Q What is your postoffice? A Braggs.

Q Do you know Lewis Tucker? A Yes, sir.

Q Do you know a child of his, Will, by Lizzie Weaver?

A Yes, sir.

Q Did you know Lizzie Weaver's father? A Yes, sir.

Q What was her father's name? A I don't remember; Hanston.

Q Did you know Reuben Hall? A Well, he is the man, Reuben Hall.

Q Did you know Reuben's father, Ab? A Yes, sir.

Q Well, how long did you know Ab Hall? A Well, I knew him about two years, he came here, the first time I ever saw him was at Gibson about two years, I think, -

Q About two years when? A Two years before the war.

Q Did you know Reuben before the war? A Did not.

Q You knew Ab? A Yes, sir, I knew Reuben after the war.

Q Well, Reuben or his father, Ab Hall, what did they claim to be? A Well, they claimed to be Katoowhas.

Q Did they claim to be colored? A Didn't claim to.

Q Now tell what you know about them? A Well, Reuben Hall sent me to his mother, to tell her that if she would claim colored that she could get perhaps citizenship here. Now he axed me to go, that is about all I knew about that colored part. She was trying to get her citizenship by calling herself a Cherokee, and she couldn't make it.

Q Who was trying to get citizenship? A Reuben Hall's mother. Reuben told me, he says, 'You go and tell mother if she will claim to be colored' he thought that she could get in, try to persuade her to do so, and she rejected.

Q Did you go to her? A Yes, sir, but she rejected.

Q She refused to be called colored? A Wess Hanson had her then for a while.

Q Well, when was this that they were trying for citizenship?

A Well, I think sometime about when, I don't know, drawing money in the Cherokee Nation, about the second, I think the second, the first or second time. It's been so long I forget.

COMMISSIONER: Do you know who the mother of this child, William, is? Lewis Tucker claims to be his child? A Well, it's Hall's I think, Reuben Hall's.  
 Q Reuben Hall's daughter? A Yes, sir.  
 Q Know what her name was? A I did, but I forgot it. What's the name down there, I could tell you if you called it perhaps.  
 Q Do you know anything about the marriage of Lewis Tucker and this Reuben Hall's daughter? A Well, yes, sir, Reuben Tucker had a wife there, called Ann, a colored woman.  
 Q That is his present wife; that is, she is dead? A She raised that girl and after raising the girl Tucker had a child by her some way or other, by some means, and this is the child.  
 Q How often was Tucker married, do you know? A Never was married but once.  
 Q And that wife was named Ann? A Ann Tucker, that was his principal wife.  
 Q Well, was this girl that was raised by Tucker's wife sometimes known as Lizzie Weaver? A Lizzie Weaver?  
 Q Yes, sir, did they ever call her Lizzie Weaver? A They called her Lizzie; I don't know about the Weaver part.  
 Q She was living at Tucker's house? A Right there with Tucker, raised right on his place.  
 Q And during that time this child was born? A Yes, sir.  
 Q Tucker was never married to her? A No, sir, oh no.

ROSWELL MACKAY, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A Roswell Mackey.  
 Q What's your age? A About eighty years old.  
 Q Where do you live? A I live at Braggs.  
 Q Did you know Lewis Tucker? A Yes, sir.  
 Q Did you know his wife, Ann Tucker? A Yes, sir, I knowed her too.  
 Q Did you know a girl that Ann raised by the name of Lizzie? A Yes, sir.  
 Q What was her other name? A Lizzie; her father, let me see, Hall.  
 Q Lizzie Hall? A Yes, sir.  
 Q Did this Lizzie ever have a child? A Yes, sir.  
 Q By Lewis Tucker? A Yes, sir, Tucker claims it.  
 Q Claimed it? A Yes, sir.  
 Q Was he ever married to her? A No, sir, stole it I reckon.  
 Q I will ask you, Uncle Roswell, if you knew Lizzie's father? A Yes, sir, I knew her father.  
 Q What was her father's name? A Reuben Hall.  
 Q Did you know her grandfather? Ab? A Yes, sir I knowed him too, knew he stayed with us.  
 Q Well, when did you know him? A That was before the war up here to Gibson.  
 Q What was he; was he a Cherokee, colored, white or what? A He was a Katawba, that's what they said.  
 Q Did he ever claim to be colored? A No, sir, he didn't. Never claimed to be colored at all.  
 Q Well, where did you know him at? A Up to Gibson.  
 Q Did you work with him? A Yes, sir, I worked with him one season, farmed with us one season there.  
 Q At whose place? A Jim Mackey's, Dixon place, Dixon used to live there, but my master had moved there.



Q Your old master? A Yes, sir, my old master.  
 Q He lived there one season with you? A Yes, sir, made a crop there.  
 Q Claimed to be a Katawba, did he? A Yes, sir, I took him to be a Katawba, and he claims to be.  
 Q You know now that Lewis and this child Will's mother Lissie, wasn't married? A No, no, sir, they wasn't married at all.

COMMISSION: Do you know Reuben Hall's wife? A Yes, sir.  
 Q The mother of Lissie? A Aha.  
 Q What was she? A I don't know.  
 Q Did you know Lissie's mother? A I know her, but I can't call her name.  
 Q Well, what was she, what was her citizenship? A White.  
 Q She was a white woman? A Yes, sir, white woman.  
 Q Wasn't colored? A No.  
 Q Did she ever claim to be? A No, sir, didn't claim to be.

MARTIN V. BERGE, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A Martin V. Benge.  
 Q What is your postoffice? A Fort Gibson.  
 Q What is your age, Mr. Benge? A I am 45 past, going on 46.  
 Q Were you a member of the Cherokee Senate? A Yes, sir.  
 Q I will ask you if while you were a member of the Senate, were you a chairman of any committee? A Yes, sir.  
 Q What committee? A I was chairman of the citizenship committee.  
 Q Now I will ask you if while you were chairman of that committee, Reuben Hall ever made application for citizenship to the Cherokee Council? A Yes, sir.  
 Q Well, what did he claim to be, just make a statement now? A Claimed to be a Cherokee.  
 Q Cherokee? A Cherokee by blood.  
 Q Well, do you know whether anything was said about his being colored? A Yes, sir, that was after he put his application in to be admitted as a Cherokee by blood. Why the evidence, after hearing the case, why it did not show that he was, and so the case was rejected, and there wasn't any report in his favor made, and then after that why he talked to me, and then I told him that there wasn't any chance for him, told him that there wasn't any possible show for him to be admitted as a Cherokee by blood for the simple fact that he didn't have no evidence that would bear him out in that, and if he put his application in as a colored person and could establish the fact that he was here before the war, belonged to some Cherokee, that he might get in.  
 Q What did he say then? A He said he didn't have any colored blood in him and he wouldn't do it.

Arthur G. Cruminger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized



-4-

Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 9th day of July, 1902.

(Signed) P. G. Reuter,

(SEAL)

Notary Public.

I, the undersigned, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify on my official oath that the above and foregoing is a true and correct copy of the testimony and proceedings in this case.

Louise H. Maxwell

Subscribed and sworn to before me this 19th day of August, 1902.

Prince C. Jones  
Notary Public.

Y. D-1118.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Washknee, I.T., May 22, 1902.

In the matter of the application of Lizzie Weaver et al for  
enrollment as Cherokee Freedmen.

SUPPLEMENTAL TO D-1118.

Cherokee Nation appears by W. V. Hastings.

COMMISSION: The Cherokee Nation, by its representative, makes  
satisfactory proof of service on the said Lizzie Weaver that it would  
on the 20th day of May, 1902, introduce testimony tending to disprove  
her right to be enrolled as a Cherokee Freedman. The applicant has  
this day, to wit the 20th day of May, 1902, been called and fails to  
respond either in person or by attorney.

MR. HASTINGS: The Cherokee Nation asks that all the testimony  
heretofore introduced on May 22, 1902, in the case of Louis Tucker, et  
al, No. D-126, be filed with and made a part of the record in this case.

COMMISSION: The request of the Nation will be complied with  
and the testimony filed.

Arthur S. Croninger, being first duly sworn, states that as  
stenographer to the Commission to the Five Civilized Tribes he re-  
ported in full the proceedings in the above case, and that the  
foregoing is a true and complete transcript of his stenographic  
notes thereof.

*Arthur S. Croninger*

Subscribed and sworn to before me this 2th day of July, 1902.

*[Signature]*  
Notary Public.

Cherokee Freedmen D 1116.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Lizzie Weaver for the enrollment of herself and her minor child, Emma Weaver, as Cherokee Freedmen.

-: D E C I S I O N :-

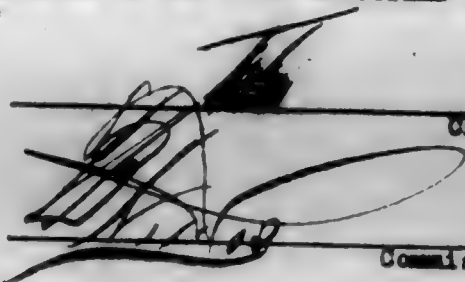

The record in this case shows that Lizzie Weaver appeared before the Commission at Muskogee, Indian Territory, on May 15, 1902, and made personal application for the enrollment of herself and her minor child, Emma Weaver as Cherokee Freedmen. A copy of the testimony taken at the same place on May 28, 1902, in the case of William Tucker, Cherokee Freedmen D 126, is made a part of the record herein.

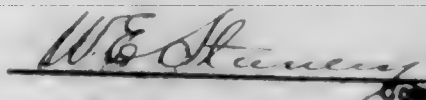
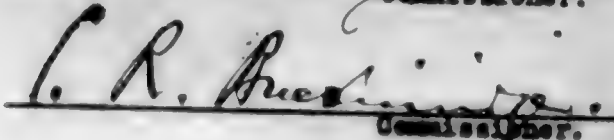
The evidence shows that the principal applicant, Lizzie Weaver, and her minor daughter, Emma, were born since 1880; and it does not appear that they or any of their ancestors were the slaves of Cherokee citizens or free colored persons residing in the Cherokee Nation at the commencement of the rebellion.

The said applicants are too young to appear on the 1880 authenticated roll of the Cherokee Nation; nor are the names of any of their ancestors found thereon.

It is, therefore, the opinion of this Commission that the application for the enrollment of Lizzie Weaver and Emma Weaver as Cherokee Freedmen should be denied, under the provisions of Section 21 of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Chairman.  
  
Commissioner.

  
Commissioner.  
  
Commissioner.

Muskogee, Indian Territory,  
this MAY 11 1904

NO.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
NORTHERN DISTRICT,

I do solemnly swear that I delivered a true copy

of the within notice to

*Lizzie Weaver*

on the *28* day of *May*, A. D. 190*2*

Subscribed and sworn to before me this

*May 27 1902*  
*Charles D. [Signature]*  
My Commission expires Dec 10th 1903.

I, the undersigned attorney for the within named  
applicant, hereby accept service of the within notice

on this the \_\_\_\_\_ day of \_\_\_\_\_ 190\_\_\_\_\_

Attorney for Applicant.

I the undersigned agent for the within named  
applicant, hereby accept service of the within notice

on this the \_\_\_\_\_ day of \_\_\_\_\_ 190\_\_\_\_\_

Agent for Applicant.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
**FILED**  
MAY 29 1902

## NOTICE

For the Director of the application of  
for enrollment as Graduate student

To \_\_\_\_\_

You are hereby notified that the Commission on the Five Civilized Tribes, Cherokee Division, is the agent of the United States for the taking of testimony both for and against the

In testimony whereof, the undersigned \_\_\_\_\_  
set our hands at Muskogee, Indian Territory, this \_\_\_\_\_

No. 1-1-111

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THE UNITED STATES OF AMERICA

Washington, D.C.

January 10, 1944

Dear Sir:

I have the honor to acknowledge the receipt of your letter of January 8, 1944, regarding the matter of the proposed amendment to the Federal Reserve Act. The Bureau of the Federal Reserve Board is currently studying the proposed amendment and will report to the Board on the subject at its next meeting.

I am sure that the Board will take prompt action on the proposed amendment. In the meantime, the Federal Reserve Bank of New York is continuing to operate under the existing provisions of the Federal Reserve Act.

Sincerely,

W. A. Rorer

cc - Mr. Tolson  
Mr. Clegg

Very truly yours,  
W. A. Rorer

Executive Order  
12812

Washington, D.C. January 12, 1992.

Mr. J. Edgar Hoover,

Director, Federal Bureau of Investigation,

Washington, D.C.

Dear Sir:

There is a certain amount of concern of the members of the  
community in the New Orleans area, since June 12, 1991,  
regarding the activities of John Doe for the purpose of  
conducting an investigation, and Doe, as a member of the  
community.

The members, with the intent of providing aid to the  
case, the following have been identified as the members of the community  
for the purpose of investigation. The action of the community will be  
taken to ensure that the members of the community are not in the  
line of fire.

Sincerely,

Very truly yours,

William J. Clinton

COPY.

Cherokee Freedmen  
D-1116

Muskogee, Indian Territory, March 15, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Lizzie Weaver for the enrollment of herself and her minor daughter, Emma Weaver, as Cherokee freedmen, including the Commission's decision, dated March 11, 1904, rejecting said application.

Respectfully,

*L. J. ...*

*[Signature]*

Enc. D-37

Commissioner in Charge.

Through the  
Commissioner of Indian Affairs.



Refer in reply to  
the following:  
Land.  
18422-1904.

( C O P Y )

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, July 26, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated March 16, 1904, transmitting the record of the application of Lizzie Weaver for herself and her minor child, Emma Weaver, for enrollment as Cherokee freedmen.

March 11, 1904, the Commission decided that the applicants were not entitled to enrollment as Cherokee freedmen.

The record shows that the principal applicant, was born since February 11, 1867, of free colored ancestors, who were living in the Cherokee Nation at the beginning of the war of the rebellion; went out of the war during the war, and returned prior to February 11, 1867, and died in the Cherokee Nation. The principal claimant is identified on the Kerns-Clifton Roll, but is not upon any other.

In view of the record it is recommended that the decision of the Commission be reversed and the applicants enrolled as Cherokee citizens.

Very respectfully,

H. M. M.

W.

3 encl.

A. C. Tonner

Acting Commissioner.

Refer in reply to  
the following:  
Land.  
18422-1904.

( C O P Y )

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, July 26, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated March 15, 1904, transmitting the record of the application of Lissie Weaver for herself and her minor child, Emma Weaver, for enrollment as Cherokee freedmen.

March 11, 1904, the Commission decided that the applicants were not entitled to enrollment as Cherokee freedmen.

The record shows that the principal applicant, was born since February 11, 1867, of free colored ancestors, who were living in the Cherokee Nation at the beginning of the war of the rebellion; went out of the war during the war, and returned prior to February 11, 1867, and died in the Cherokee Nation. The principal claimant is identified on the Kerns-Clifton Roll, but is not upon any other.

In view of the record it is recommended that the decision of the Commission be reversed and the applicants enrolled as Cherokee citizens.

Very respectfully,

M.M.M.  
W.  
3 encl.

A. C. Tenner

Acting Commissioner.

D.C. 27456-1904.

(C O P Y)

J. P.

PHE

DEPARTMENT OF THE INTERIOR,

ITD 6052-1904.

WASHINGTON.

August 2, 1904.

L R S

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

July 26, 1904, the Acting Commissioner of Indian Affairs submitted the case involving the application of Lizzie Weaver for the enrollment of herself and her minor child, Emma Weaver, as Cherokee Freedman.

He recommends that your decision of March 11, 1904, rejecting the application, and in which you found that the principal applicant was born subsequent to 1880, and that it does not appear that any of her ancestors were the slaves of Cherokee citizens, or free colored persons residing in the Cherokee Nation at the commencement of the rebellion, be not concurred in. He states that the record shows that the principal applicant was born of free colored ancestors who were living in the Cherokee Nation at the beginning of the war of the rebellion, and went out of the Nation during the war and returned there prior to February 11, 1867, and died there.

The principal applicant is identified on the Kerns-Clifton roll, and upon no other.

--2--

The Department does not concur in the recommendation of the Acting Commissioner. It finds no satisfactory proof that the ancestor through whom the claim is made was a free colored person, as alleged. Your decision is therefore hereby affirmed.

A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

1 inclosure.



Cherokee Freedmen,  
D-1218.

Muskogee, Indian Territory, August 11, 1904.

Hastings, Bell & Davenport,  
Attorneys for the Cherokee Nation,  
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision, dated March 11, 1904, rejecting the application of Lizzie Weaver for the enrollment of herself and her minor child, Emma Weaver, as Cherokee Freedmen, was affirmed by the Secretary of the Interior on August 2, 1904.

Respectfully,

Commissioner in Charge.



Cherokee Freedmen,  
D-1116.

Muskogee, Indian Territory, August 11, 1904.

Lizzie Weaver,

Brush Hill, Indian Territory.

Dear Madam:

You are advised that the Commission's decision, dated March 11, 1904, rejecting your application for the enrollment of yourself and your minor child, Emma Weaver, as Cherokee freedmen, was affirmed by the Secretary of the Interior on August 2, 1904.

Respectfully,

Commissioner in Charge.

REFER IN REPLY TO THE FOLLOWING:

NO. 281

DEPARTMENT OF THE INTERIOR.  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

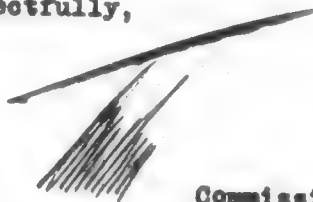
Muskogee, Indian Territory, November 12, 1906.

Chief Clerk,  
Cherokee Enrollment Division,  
General Office.

Dear Sir:

You are hereby advised that the names of May, Billie and Amos Weaver, children of Edward Weaver, a citizen by blood of the Creek Nation, and Lizzie Weaver, an alleged citizen by blood of the Cherokee Nation, are contained in the schedule of New Born citizens by blood of the Creek Nation, approved by the Secretary of the Interior August 22, 1905, opposite Roll Nos. 285, 286 and 287.

Respectfully,



Commissioner.

10615  
11386

Unclaimed

FORWARDED WRITER

Elie Weaver,

Brush Hill, Indian Territory.

Department of the Interior.

Commission to the Five Civilized Tribes,  
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

REGISTERED  
MAR 16 1904  
MUSKOGEE, IND. TER.

APR 19 1904

Cher. Fr. R. 436

See Cher. Fr. R. 437-8-9

Cher. Fr. R. 436

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JUL 9 1901

 ACTING CHAIRMAN.



Department of the Interior,  
Commission to the Five Civilized Tribes,  
Newata, I.T., June 25, 1901.

In the matter of the application of Alfred Bell for the enrollment of himself and six children as Cherokee Freedmen.

Appearances:

Mallette & Smith, attorneys for applicants;  
W. W. Hastings, of counsel for Cherokee Nation.

Alfred Bell, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Alfred Bell.  
Q How old are you? A 51.  
Q What is your post office address? A Hayden.  
Q What district do you live in? A Cooweescoowee.  
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.  
Q Your name on any of the rolls of the Cherokee Nation? A No, sir, I reckon now, without it is the rejected roll.  
Q You never have been recognized then by the Cherokee authorities?  
A No, sir.  
Q Who do you want to enroll besides yourself? A My children.  
Q How many children have you got? A Nine.  
Q Are you married? A Yes, sir.  
Q What is your wife's name? A Missouri.  
Q How old is she? A About 50.  
Q Is she a citizen? A No, sir.  
Q She is a non citizen is she? A Yes, sir.  
Q Well, give me the names of your children under 21 years of age and unmarried? A (Hands Commissioner paper.)  
Q James, he is 20, is he? A Yes, sir.  
Q Earl, he is 18? A Yes, sir.  
Q Lucian, he is 18 is he? A Yes, sir.  
Q What is the name of the next one, Russia? A Yes, sir.  
Q How old is Russia? A 18, they are twins.  
Q The next one Eddie, 14? A Yes, sir.  
Q What is the last one's name? A Senie.  
Q Is she 12? A Yes, sir.  
Q These children all living at this time? A Yes, sir.  
Q They born and raised in the Cherokee Nation? A Yes, sir.  
Q Just six then that are under age? A Yes, sir.  
Mr. Smith: Mr. Bell, how old did you say you are? A 51.  
Q Were you a slave? A Yes, sir.  
Q Who did you belong to? A Mr. Bell's wife.  
Q Which Bell? A Hookey Bell, Sabra Bell.  
Q Col. L. B. Bell's wife? A Yes, sir.  
Q Where were you living when the war commenced? A Living in the Nation, here on Beattie's Prairie.  
Q Who were you living with? A Mr. Bell and his wife.  
Q Were you taken out, or did you go out, of the Cherokee Nation during the war? A Yes, sir, they carried me south.  
Q Who carried you? A Mr. Bell, my master.  
Q Where did he carry you to? A Texas.  
Q When did you return to the Cherokee Nation after the war? A '65.  
Q Where did you come to? A Fort Gibson.  
Q How long did you stay in Fort Gibson? A I didn't stay up there but about five or six days.  
Q Then where did you go? A Came up on Lightning Creek.  
Q Then how long did you live up on Lightning Creek then after coming there that time? A I lived there off and on, three years.  
Q Where do you live now? A On Lightning Creek.  
Q How long have you been living there the last time? A Six

Alfred Bell - 2.

Lightening Creek?

Q Yes sir? A I have been living there all the while.

Q I understood you to say you lived three years on Lightening Creek after you went there from Fort Gibson? A Yes, sir, I went from there where I am.

Q You are still on Lightening Creek, are you? A Yes, sir.

Q You have been living where you are now ever since you moved from the first place you went to on Lightening Creek? A Yes, sir, ever since I moved from Mr. Daniels place I went where I am, I worked there off and on until I came to where I now live.

Q All these children from for whom you apply, that you have named, are they the children of yourself and your wife, Missouri Bell?

A Yes, sir.

Q Have they all been born since you and Missouri have been married and living together? A Yes, sir.

Q Are they living with you, these children? A Yes, sir, some of them are, the others are living up in the country, the oldest ones.

Q Are these children whose names you gave here, which ones are living somewhere else, if any of them are not living with you?

A They are about in the country, there are not any of them but what are in the country at this time.

Q They are all alive now? A Yes, sir.

Mr. J.S. Davenport, Cherokee attorney: Where were you living when the war broke out? A On Beattie's Prairie.

Q You didn't go to Texas with Mr. Bell before the war broke out?

A Yes, sir.

Q You were not living on Beattie's Prairie then when the war broke out? A Well, at the breaking out they carried me south.

Q You went south before there was any war, didn't you? A Yes, sir, the war it hadn't commenced when I went to Texas.

Q You lived there now until you say, '66; is that when you claim you left there? A No, sir, I claim I came back here.

Q When did you leave Texas? A I left in '66.

Q What time of the year? A In the fall.

Q Now when did you get back to Texas? A I didn't go back to Texas at all.

Q Were you a married man at the time you left Texas in '66? A No, sir, I was a boy.

Q How old were you? A I was 16 years old.

Q Well, you went back to Texas then later on? A Yes, sir.

Q Well you married in Texas? A Yes, sir.

Q Now you had a child named Bob that was born in Texas, didn't you? A No, sir.

Q One named Frank that was born in Texas? A No, sir.

Q Where was Nannie born? A They are my children.

Q Were not they born in Texas? A No, sir.

Q Where were they born? A On Lightening Creek.

Q Bob was born on Lightening Creek, was he? A Yes, sir.

Q And Nannie? A Yes, sir.

Q And Jim? A Yes, sir.

Q And Ernest? A Yes, sir.

Q Lucian was born on Lightening Creek? A Yes, sir.

Q And Russia? A Yes, sir.

Q Eddie? A Yes, sir.

Q And Sam? A Yes, sir.

Q All your children were born on Lightening Creek? A Yes, sir.

Q Lightening Creek in the Cherokee Nation, is it? A Yes, sir, Cherokee Nation.

Q Did you testify before the Kem-Clifton Commission? A Yes, sir.

Q It will ask you if you didn't testify before that Commission that all your children excepting Willie were born in the State of

Alfred Bell - 2.

Texas? A I don't know whether I did or not, I might have.

Q If you did testify to that, was it true or untrue? A No, sir, they were born here.

Q When you came to Lightning Creek in '68 who did you find there?

A In '66 I found these people lives on Lightning Creek here, Mr. Whitmire's folks, Harry Still --

Q Which one of the Whitmires? A None.

Q Who else? A Ransom Downing.

Q Who else? A Uncle Nose and Ransom Downing I said.

Q They were the only people living in the Cherokee Nation on Lightning Creek when you came back? A No sir, they were not all there.

Q Who else were there? A Yes, sir, there were other people.

Q Who were they? A Looney Glass' folks I judge.

Q To what point on Lightning Creek in the Cherokee Nation did you first return? A Over here up where I am living at near Hayden postoffice.

Q What year were you married? A I married in the year '69 I believe.

Q In 1869? A Yes, sir.

Q You know what County in Texas you were married in? A Grayson I believe, some of them counties.

Q How long did you live in Texas after you were married before you came to the Cherokee Nation? A I just laid stayed there the balance of the year, and came back to the Nation.

Q Did you come back before or after Hoolley Bell came from Texas, or L. B. Bell, commonly called Hoolley? A I came back before he did.

Q About how long before, or do you know? A No, sir, I don't know exactly how long before he did.

Q Where was he living before he left Texas? A Living on the old Bell place the last I know of him.

Q That was before you married or after you married? A Before I married.

Q Then you went back to Texas and married? A Yes, sir.

Q Was Mr. Bell there when you went back? A No, sir.

Q Where did you first see Harry Still after you came back to this country? A Near there where he lived at, on a place close to Hayden postoffice there.

Mr. Hastings: Was that after you brought your wife there? A No, sir, it wasn't the first time I saw him, he was there when I came there from ~~Ransom Downing's place~~ Daniel's place, he helped me make my place.

Q Did you make that after you married? A No, sir, before I married.

Q When you came the first time? A Yes, sir.

Mr. Davenport: What time did you come to Lightning Creek? A In the spring.

Q Of what year? A In the spring of '68 I believe, I can't know exactly what year, but it was in the spring after I stopped to Daniel's to work there, and went over the next spring and took up a farm on Lightning Creek.

Q How many times you been married? A Once.

Q Your wife's name Mary? A Yes, sir.

Q Was she ever married before you married her? A Yes, sir.

Q What was her first husband's name? A His name was Tom Stanford.

Q Was he living when she married you? A No, sir, he died.

Q She was a widow? A Yes, sir.

Q You and she been living together ever since you married?

A Yes, sir.

Q Was she a citizen of the State of Texas? A Yes, sir.

Q Have you got any marriage certificate?

A No, sir.



Alfred Hall - 4.

Q. Who is the mother of those children, is she?

A. Yes, sir.

Taking of testimony continued by Stenographer Chas. Van Wagon.

Ernest W. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this the 8th of July, 1901.

*W. H. Keck*  
Commissioner.

2. Birth of the defendant.

Q Now what was born in the County of Suffolk, V. 1824. I have no  
Q Do you know what was the defendant's name?  
A John J. Zeeb.

Q What was in the County of Suffolk, V. 1824.

Q He was born in the County of Suffolk, V. 1824. I have no  
Q Now what was the name of the defendant's mother?

Q What was the name of the defendant's mother?

Q Now what was the name of the defendant's mother?

A Elizabeth.

Q Now what was the name of the defendant's mother?

Q Now what was the name of the defendant's mother?

Q Now what was the name of the defendant's mother?

COMMISSION TO THE FIVE CITIES  
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Continued from Stenographer E. G. Jones.

Nowata, I.T. June 28th 1921.

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By Mr. Davenport of applicant-

Q Where did you see Fred Martin the first time after the war? A Fort Gibson.

Q When was that? A. In '06.

Q What time of the year? A. In the fall.

Q Who was with you then? A. George Thompson.

FRED MARTIN called and sworn as a witness for the applicant-

By Mr. Smith-

Q What is your name? A. Fred Martin.

Q Where do you live? A. On Highwinding Creek Grand river, Saline district.

Q What is your post office? A. Spavinaw

Q Do you know the applicant here, Alfred Hall? A. Yes sir, I have seen him.

Q How long have you known him? When did you first become acquainted with him? A. There was a boy that was with George Thompson who came to our house, that they called Alfred, and to the best of my knowledge this is the boy.

Q When were they at your house? A. In the fall of '06.

Q Were you a witness in the George Thompson case? A. Yes sir I was

Q Where did you see him, what place? A. Fort Gibson.

Q You mean Fort Gibson, Indian Territory? A. Yes sir.

Mr. Davenport-

Q How old was this boy that they called Alfred that was with George Thompson the time you saw him? A. A good sized boy.

Q About how old did he look to be? A. I don't know.

Q Was he ten years old or more? A. Looked to be bigger than that.

Q How old were you then? A. I am now 45 years old.

Q That would make you about seven years old then? A. 8 or 10, I think I was.

Q How long were they there? A. A short time.

Q A good many people came there didn't they? A. Yes sir.

Q You have testified as to the identity of a great many people, men, women, girls and boys that came there to your house that time haven't you? A. No sir not many.

Q Well you have testified as to some haven't you? A. Yes sir all those I saw and remember.

Q You had never seen this boy before had you? A. No sir.

HARRY WILL, called and sworn as a witness for the applicant-

By Mr. Smith-

Q What is your name? A. Harry Will.

Q What is your post office address? A. Spavinaw.

Q Are you a recognized citizen of the Cherokee Nation, a Freedman?

A. Yes sir.

Q Do you know this applicant, Alfred Hall? A. Yes sir I know him.

Q Do you know this applicant, Alfred Bell? A Yes sir I know him.  
 Q Do you know whether he was a slave or not before the war? A. No sir I don't  
 Q When did you first see him in the Cherokee Nation after the war? A January '66  
 Q Where did you see him? A. Coming to Ransom Thompsons and staid there a while and left there.  
 Q How long did he stay there? A. Staid there until long in the summer some time.  
 Q Are you sure that it was in January? A. Yes sir Ransom went to Fort Gibson and when he come back this man come with him.  
 Q Do you know where this applicant lives now? A. Yes sir.  
 Q How far is it from you? A. Adjoining places with me.  
 Q How long has he lived there? A. It has been—he started a claim there some the same spring he came there and lived there several years and then left; he lives there now.

By Davenport—

Q You saw this fellow at Ransom Thompson's place in January '66?  
 A Yes sir.  
 Q And you have been seeing him ever since in the country? A No sir not all the time.  
 Q You don't know who his master was? A. No sir.  
 Q You don't know when he moved back to the Nation to live? A. In know I saw him in January, '66.  
 Q You didn't get back yourself until August '66 did you? A. I got back here in '66 and '66 both.  
 Q You wasn't here in the Cherokee Nation in January '66 were you?  
 Q Of course I was.  
 Q You you got back in January and saw him in January '66? A I got back the last part  
 Q Of January? A. Of '66.  
 Q Where was Alfred's family when you saw him in '66? A Didn't have any.  
 Q When did he bring his family, did you ever see them? A Yes sir I saw them, the next time I saw him.  
 Q How long after you saw him first did you see his family? A. 4, 5 or 6 years.  
 Q He didn't continue to reside there in that community in '66? A. No sir, he come there and staid a while and left and then come back again and he had his family with him then.  
 Q How many children had he when he returned? A Didn't have any, might have had William.  
 Q Was his children all born on Lightning creek in the Cherokee Nation? A. I think they was.  
 Q How far did he live from you then? A. I guess he lived about 4 miles from my place first and now we has adjoining places.

By Smith—

Q You said something awhile ago about coming back here in the last part of '66 and of seeing this man in January of '66 what do you mean by that? A. I made three trips here, the first one was in the spring of '66, the second one was in the spring of '66 and the last one was in the fall of '66  
 Q You came here the second time in the spring of '66? A. Yes sir  
 Q And the third time in the fall of '66? A. Yes sir

See next page

Q Then you were not here in January of '66? A. No sir; I came to Fort Gibson in '65 and then came here in the first part of '66 and then came again in the fall of '66, I made three trips.  
 Q Then what time of the year was it that you saw this boy in '66?  
 A The last part.  
 Q Now let me understand you right, when did this man Alfred Bell come there to where you saw him in '66, was it before or after your third and last trip? A. It was after.  
 Q What made you say that it was in January then? A. I should have said the last part of '66.

By Com'r Needles-

Q If you did say that it was in January '66 it was a lapsus linguae was it? A. Yes sir.

JOHN LANDRUM called and sworn as a witness for the applicant-

By Mr. Smith-

Q What is your name? A. John or Jack Landrum.  
 Q Where do you reside? A. Maydon.  
 Q Do you know the applicant, Alfred Bell? A. Yes sir.  
 Q Did you know him before the war? A. Yes sir.  
 Q Was he a slave? A. Yes sir.  
 Q Who did he belong to? A. They said Neoley Bell owned him, I don't know if it was him, or his wife that owned him.  
 Q When did you first see this applicant Alfred Bell in the Cherokee Nation after the war? A. After the war I seed him on Salt Creek.  
 Q Where is Salt Creek? A. This side of Lightning, 3 or 5 miles.  
 Q Is it in the Cherokee Nation? A. Yes sir.  
 Q When was it that you saw him there? A. In '67, it was so said.  
 Q Do you know what time of the year it was? A. No sir I disremember what months it was, I did have it in my mind but I just forget it.  
 Q You don't know how long he had been there? A. No sir.

By Com'r Needles-

Alfred Bell applies for himself and six children; his name cannot be identified on the roll of 1866 or on any of the rolls in the possession of the Commission, neither can the names of his children be found thereon. He avers that he was a slave in the Cherokee Nation before the war, was taken out of the Cherokee Nation and returned in 1866; he avers that he married in Texas, his wife Missouri being a non-citizen. He makes no proof of his marriage, and it will be necessary for him to file proof of his marriage in the shape of a certified copy of the marriage record, and also satisfactory proof of the birth of his children. Now he and his six children as named in the testimony will be listed for enrollment as Cherokee freedmen on a doubtful card, and he will be notified by mail of the final decision of the Commission.

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#### ADDITIONAL TESTIMONY.

By Mr. Smith of John Landrum:

Q How far do you live from the applicant? A. About two and a half miles.

Q Have you ever been at his house? A. Yes sir.

Q Do you know his wife? A. Yes sir.

Q Are they living together as man and wife? A. Yes sir.

Q How long have they been living as man and wife? A. Ever since they came there.

Q Are they received in the community as man and wife? A. Yes sir.

By Hastings--

Q When did they come there as man and wife? A. She came there when he came up there on Salt creek the second time, he came first by himself.

Q When did his wife come? A. She came the latter part of '87

Q Did they have any children when they came? A. Yes sir.

Q How many? A. Oh no sir, they didn't have none then.

Q He brought his wife there in the latter part of '87 did he? A. Yes sir.

Q That was in the Cherokee Nation? A. Yes sir.

By Con'r Needles--

Q Do you know this man's children? A. Yes sir.

Q Were they all born in the Cherokee Nation? A. Yes sir I guess so.

By Smith of the applicant--

Q Give me the names of your children older than James? A. Will, Bob and Mammie.

Q Is Mammie married? A. Yes sir

Q What is her name now? A. Birks.

Q Where does she live? A. With me.

Q Has she any children? A. One.

Q What is its name? A. Lucian Birks.

Q Where does Robert live? A. Up about me on Lightning creek, Cherokee Nation.

Q Where does William live? A. Close to where I am.

Q Are they married? A. Will has been.

By Hastings--

Q How old is Will? A. 23.

Q How long after you were married was he born? A. 1 year.

\*\*\*\*\*

Chas. von Weiss, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this the 10th of July, 1901.

Stenographer.



Alfred Bell (sup'1) 3

W. B. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Witness my hand and seal this November 14th, 1901.

NOV 21 1901  
F. T. B. D.  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
DEPARTMENT OF THE INTERIOR

JOHN CHAMBERLAIN

Robert P. Miller

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45-20893



SUPPLEMENTAL: U. S. D-643.

Alfred Bell.

Department of the Interior  
Commission to the Five Civilized Tribes,  
Vinita, I. T., October 9, 1901.

In the matter of the application of Alfred Bell et al for  
enrollment as Cherokee Freedmen.

Appearances:

Mr. Smith, of Mellette & Smith, attorneys for applicants;  
Mr. W. V. Hastings, of attorneys for Cherokee Nation.

L. B. BELL, being sworn by Commissioner Needles, testified  
as follows:

BY MR. HASTINGS:

Q What is your name? A L. B. Bell, 62, Vinita.

Q Are you a Cherokee citizen by blood? A Yes sir.

Q Did you or your family, prior to and up to the war, own a  
slave by the name of Alfred Bell? A Yes sir, I did, and my wife,  
or rather belonged to my wife.

Q Mr. Alfred Bell who applied for enrollment as a citizen at  
Nowata? A Same Freedman.

Q Where were you living in 1865 or '6 after the war? A Why I was  
living in Bush County, Texas, on a farm.

Q Now where was this Alfred Bell in '66 and '67? A He was there  
on my farm.

Q Was he there during the entire year of '67? A Well he was I  
reckon, I farmed there that year and had him on the place; he might  
have quit me sometime along about Christmas of that '66; I know he  
did when that gentleman, went off and rented a farm somewhere  
else; I was breaking up to move back to the Cherokee Nation then,  
in '67.

Q Well when did you come back? A I left there in March, 1867.

Q Where was Alfred Bell at that time? A Well Alfred as I under-  
stood from him had rented some land near by there, I don't know,  
mile or two away from there, probably further.

Q Well he had lived with you through the year of '66 clean up until  
Christmas? A Yes sir, up about that time. The year went out  
there with them you know when Christmas came; we didn't do no more  
work after that time; the first of January was generally understood  
to be the first of the year though.

Q You mean by that the first of January, '67? A Yes, the first of  
January of any year.

Q Well after he left you in '66 in the spring of '67 did you hear  
of Alfred Bell making a long trip up to the Cherokee Nation before  
you left down there? A No, I never heard of anything of that sort.

Q Did you ever see Alfred Bell since you came up here? A Yes, I  
think the first time I met Alfred was over there at the Wallace  
roll; I don't have a distinct recollection of the time, but I am  
satisfied of that, because the Glixton roll was the next time I saw  
him.

Q Where was he living when the Wallace roll was made? A Well he  
was just here trying to get on that roll.

Q You know where he came from then? A I could not state exactly  
whether he could go to the west just from Texas or not; he told me though  
he had married and had a good big bunch of children.

Q You haven't seen him in this country before that? A No sir, I  
hadn't seen him here, nor heard of him being here.

Q Had he married when he left you? A No. Alfred was probably  
18 or 20 years old when I met him turned him loose.

BY MR. SMITH:

Q Mr. Bell, where were you when the war closed? A I was up near  
Nowata in the Cherokee Nation.

Alfred Bell et al (sup'1) 2

Q How long before you reached Rock County, Texas? A How long before I got home?

Q Yes? A After we disbanded it took me about two days and a half to ride home.

Q What month did you go to Texas in? A We was disbanded in May. I think and I got home in a few days.

Q While you were in the army where was Alfred? A I presume he was right there with the balance of my negroes.

There was none missing when I come home.

Q You found Alfred in Texas when you went home in May, '66? A May, '65.

Q Now what did you do the rest of the year '65? A We had a crop on hands there, and he just worked along with the balance of them.

Q Did you stay at home during the rest of that year? A Yes sir, I stayed at home until December, about the first I reckon.

Q First of December, '65? A Yes sir, somewhere like that.

Q Then where did you go? A I went to Shreveport and New Orleans and up to Saint Louis and then down the Mississippi to Memphis, and took a boat there and come on home, and come up the Arkansas River.

Q How long were you away? A I was gone probably thirty days.

Q Then did you remain home during the entire year of '66 after that, or were you away at any time? A I stayed right there at home with the exception of 10 or 12 days; this Joe Thompson who testified awhile ago and I come up to Red River; we was gone probably 10 days on that trip.

Q How many slaves did you have there? A I expect there was as much as 18 or 20; I would have to figure up on it; maybe more. There was a whole lot of children.

Q Now after that crop that was out when you got back in '65, was there another one planted in 1866? A Yes sir.

Q Well now of the number of slaves that you had there do you remember Alfred during all of the year of 1866 that you were at home, are you able to state that he was there all the time? A Well that's my recollection about it, I don't know I called the roll over that morning or any morning.

Q One of them might have been away? A Yes sir.

Q So you are not positive that he was there during all the time that you were there in '66? A Well I would be positive so far as all the reasonable doubts could be made.

Q But you don't absolutely remember it of your independent recollection? A That he was there every day.

Q Yes? A No sir, I couldn't say that.

Q Of course you don't know where he was when you were away? A No.

Q He did belong to you before the war? A Yes; well as a matter of fact he belonged to my wife; she had him when I married her.

Q She was a citizen of the Cherokee Nation? A She was a Cherokee.

Q And you took this Alfred Bell out during the war? A I took him out in 1861, about October.

Q Now you never saw him until the Wallace roll; you said he was trying to get on that; well he got on it didn't he? A Well I rather think he did.

Q Well then you don't know of your own personal knowledge when he did come back to the Cherokee Nation first? A No sir I don't.

COMMISSIONER NEEDLES: This testimony will be filed with the testimony taken in the original case, and will be made part of the record in Freedmen's 905 and 975 and 1033

Witness (supp'd) 1

E.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

*E.D. Green*

Subscribed and sworn to before me this November 15th 1901

COMMISSION TO THE FIVE CIVILIZED TRIBES  
DEPARTMENT OF THE INTERIOR

NOV 21 1901  
J. C. Starr

*J. C. Starr*  
Notary Public

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NOV 21 1901



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DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application for the enrollment of Alfred Bell, et al., as Cherokee Freedmen, consolidating the applications of--

|                      |                           |
|----------------------|---------------------------|
| Alfred Bell, et al., | Cherokee Freedmen D- 863. |
| William Bell,        | Cherokee Freedmen D- 906. |
| Hannie Derrick,      | Cherokee Freedmen D- 975. |
| Robert Bell,         | Cherokee Freedman D-1033. |

DECISION.

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The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by Alfred Bell for himself and his six minor children, James, Earl, Lucian, Russia, Eddie and Gena Bell; by William Bell for himself; by Hannie Derrick for herself, and, among others, her brother, Robert Bell. The other parties to this application being differently classified are not embraced in this decision.

The evidence in this case shows that the applicant, Alfred Bell, was the slave of a Cherokee freedman at the commencement of the rebellion; that during said rebellion he left the Cherokee Nation, and when he returned thereto, one Harry Still was then residing in said Nation. The Commission has found in the case of Harry Still, Cherokee Freedmen 875, that the said Harry Still did not return to the Cherokee Nation within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitacre, trustee, etc., vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation; therefore, the applicant, Alfred Bell, did not return to the Cherokee Nation and establish a residence therein within the time specified in the said decree. It appears that the applicants, James Bell, Earl Bell, Lucian Bell, Russia Bell, Eddie Bell, Gena Bell, William Bell, Hannie Derrick and Robert Bell, have been born since 1866 and have no right to enrollment except such as may be possessed by their father, the said Alfred Bell.

It does not appear that any of the applicants herein are identified on the 1860 authenticated Cherokee Roll.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Alfred Bell, James Bell, Earl Bell, Lucian Bell, Russia Bell, Eddie Bell, Gena Bell, William

--2--

Bell, Nannie Derrick and Robert Bell as Cherokee freedmen should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898. (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Muskogee, Indian Territory.

this MAR - 5 1901



DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Alfred Bell, et al., as Cherokee Freedmen, consolidating the applications of -----

|                      |                      |       |      |     |
|----------------------|----------------------|-------|------|-----|
| Alfred Bell, et al., | Cherokee Freedmen D- | 863,  | 7/12 | 436 |
| William Bell,        | Cherokee Freedmen D- | 905,  | "    | 437 |
| Hammie Derrick,      | Cherokee Freedmen D- | 975,  | "    | 438 |
| Robert Bell,         | Cherokee Freedmen D- | 1033, | "    | 439 |

MOTION FOR REHEARING.

Comes now the applicants and move the Department to remand this case to the Honorable Commissioner to the Five Civilized Tribes in order that the applicants be permitted to introduce newly discovered testimony by which they expect to prove that Alfred Bell returned to the Cherokee Nation and established his residence therein prior to February 11, 1867.

In view of the provision in the Act of Congress, approved April 26, 1906 requiring that Motions in cases of this character be filed within sixty days from ~~the~~ the date of said Act, we file this Motion and ask that applicants be allowed thirty days within which to file a brief and argument in support of this Motion and affidavits setting forth what we expect to prove at a new trial of this case in the event a rehearing is allowed.

Starr & Patten

ATTORNEYS FOR APPLICANTS,

UNITED STATES OF AMERICA,) }  
INDIAN TERRITORY }  
WESTERN DISTRICT } SS.

J. C. STARR, of lawful age, being first duly sworn, on his oath deposes and says that he is one of the Attorneys for the applicants in the above entitled case and that this Motion is made in good faith, not for the purposes of delay but in order that justice be done.

J. C. Starr

Subscribed and sworn to before me this 25th day of June, A.D., 1906.  
My Commission expires December 16, 1909.

Lucie Patten NOTARY PUBLIC.

JR-4136

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COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS,  
MISSIONER TO THE FIVE CIVILIZED TRIBES.

FILED  
JUL 26 1906

  
COMMISSIONER

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the motion for a rehearing of the application for the enrollment of Alfred Bell, et al., as Cherokee freedmen, consolidating the applications of

Alfred Bell, et al.  
William Bell,  
Mannie Derrick,  
Robert Bell,

Cherokee Freedmen D 863,  
Cherokee Freedmen D 905,  
Cherokee Freedmen D 975,  
Cherokee Freedmen D 1033.

Reply of the Cherokee Nation.

Comes now the Cherokee Nation and moves the commissioner to the Five Civilized Tribes to dismiss the motion for a rehearing filed in this case:

First, because it purports to have been sworn to before Jessie Patten, a Notary Public within and for the Western District of the Indian Territory, on the 25th day of June, 1906, whereas the testimony hereto attached in the case of Mary Sanders, F. R. 38, shows that Jessie Patten and J. C. Starr were both in Vinita, Northern District, Indian Territory, and not in the Western District on the 25th day of June, 1906, and that Jessie Patten was not a Notary within and for the Northern District, Indian Territory, and therefore the motion for a rehearing has not been sworn to.

Second, we move to dismiss the motion for the rehearing for the reason that the motion alleges that it is desired to introduce newly discovered evidence to the effect that Alfred Bell returned to the Cherokee Nation prior to February 11, 1867, but the affidavit of no witness is attached to the motion for a rehearing and in support of our second contention we cite the decision of the department in the Oelia Kirkpatrick case rendered January 19, 1906 (I.T.D 7744 and 7514-1904), wherein the Department held:

"The Department does not feel warranted in remanding the case upon the motion of said attorneys unsupported by the affidavits of the witnesses whose testimony they desire to introduce."

Without waiving the above motion, but insisting on the same, we respectfully submit that the testimony in this case clearly shows that the applicants did not return to and establish a residence in the Cherokee

Nation prior to February 11, 1867, but the testimony of their former owner, L. B. Bell, is to the effect that Alfred Bell made a crop upon his farm in the State of Texas during the year of 1866 and until the close of that crop year, when he moved upon another farm near by, and that he (L. B. Bell) left him there when he came to the Cherokee Nation, he (L. B. Bell) leaving the State of Texas in March of 1867, and reaching the Cherokee nation in May, 1867.

We submit therefore that the decision of the commission dated March 5, 1904, and affirmed by the Secretary of the Interior on July 14, 1904, was correct and should not now be disturbed.

Respectfully submitted,

*W. W. Hastings*  
Attorney for the Cherokee Nation.

N<sup>o</sup> 863

INDIAN TERRITORY,  
CHEROKEE NATION.

I hereby certify that I served the with-  
in notice on \_\_\_\_\_

by delivering a true copy thereof on the  
\_\_\_\_\_ day of \_\_\_\_\_ A. D. 1901

Given under my hand this \_\_\_\_\_  
day of \_\_\_\_\_ A. D. 1901.

\_\_\_\_\_  
Marshal for the Cherokee Nation.

I, the undersigned attorney for the  
within named applicant hereby accept  
service of the within notice on this the

SEP 20 1901  
\_\_\_\_\_ day of \_\_\_\_\_, 1901.

*Mr. McCall*  
\_\_\_\_\_  
Attorney for applicant.

UNITED STATES OF AMERICA, }  
INDIAN TERRITORY, } s. s.  
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a  
true copy of the within notice to \_\_\_\_\_

\_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ A.D. 1901

Subscribed and sworn to before me  
this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 1901.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED  
SEP 21 1901

*[Signature]*  
Acting Clerk



# NOTICE!

IN THE MATTER OF the application of Alfred Bell  
for enrollment as a Cherokee citizen:

Case No. D. 863

To Alfred Bell or Mellette A. Smith his Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory.

Indian Territory, on Oct. 9th at 8 o'clock A. M. from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 18 1901

*L B Bell*

*W. W. Thurman*  
Attorneys for the Cherokee Nation.

CHEROKEE FREEDMAN. 2863.

20

IN RE

Application for Enrollment of

INFANT CHILD

Eddie Bul

as a citizen of

CHEROKEE Nation.

JUN 28 1901

Approved,

190

*[Signature]*  
Commissioner.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED  
JUN 28 1901

*[Signature]*  
ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,  
of Eddie Bell (Here insert name of child.) born on the 8<sup>th</sup> day of August, 1886  
Name of Father: Alfred Bell, a citizen of the Cherokee Nation.  
Name of Mother: Missouri Bell, a citizen of the U. S. Nation.  
Post-office, Hayden I J.

## AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
Northern District.

I, Missouri Bell, on oath state that I am 37  
years of age and a citizen, by U. S. of the U. S. Nation;  
that I am the lawful wife of Alfred Bell, who is a citizen, by  
adoption, of the Cherokee Nation, that a male child was  
(male or female.)  
born to me on the 8 day of August, 1886 that said child has been  
named Eddie Bell, and is now living and the midwife  
is dead

WITNESSES TO MARK

(Must be Two Witnesses)

Lela V. Hester  
Henry Pack

Missouri Bell  
mark

Subscribed and sworn to before me this 28 day of June, 1900.

Louis E Brown

NOTARY PUBLIC.

## AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
District.

I, \_\_\_\_\_, on oath state that I  
attended on Mrs. \_\_\_\_\_, wife of \_\_\_\_\_,  
on the \_\_\_\_\_ day of \_\_\_\_\_, 1900; that there was born to her on  
said date a \_\_\_\_\_ child; that said child is now living and is said to have been  
named Eddie Bell.

WITNESSES TO MARK:

(Must be Two Witnesses)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 1900.

NOTARY PUBLIC.

CHEROKEE FREEDMAN. D863

20

IN RE

Application for Enrollment of

INFANT CHILD

James Bell

as a citizen of

CHEROKEE Nation.

Approved

JUN 28 1901

1901

*[Signature]*

Commissioner.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED  
JUN 28 1901

*[Signature]*

ACTIVE CHIEF

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,  
of James Bell, born on the 28 day of May, 1889  
Name of Father: Alfred Bell, a citizen of the Cherokee Nation.  
Name of Mother: Missouri Bell, a citizen of the U.S. Nation.  
Post-office, Hayden I.T.

## AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
Northern District.

I, Missouri Bell, on oath state that I am 51  
years of age and a citizen, by adoption, of the United States Nation,  
that I am the lawful wife of Alfred Bell, who is a citizen, by  
adoption, of the Cherokee Nation, that a male child was  
(male or female.)  
born to me on the 28 day of May, 1889, that said child has been  
named James Bell, and is now living, and the  
attending midwife is dead Missouri Bell

WITNESSES TO MARK

(Must be Two Witnesses)

Lela V. Hester  
Henry Pack

Subscribed and sworn to before me this 28 day of June, 1900.

Louis J. Brown

NOTARY PUBLIC.

## AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
District.

I, \_\_\_\_\_, on oath state that I  
attended on Mrs. \_\_\_\_\_, wife of \_\_\_\_\_,  
on the \_\_\_\_\_ day of \_\_\_\_\_, 1889; that there was born to her on  
said date a \_\_\_\_\_ child; that said child is now living and is said to have been  
named James Bell.

WITNESSES TO MARK:

(Must be Two Witnesses)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 1900.

NOTARY PUBLIC.



90  
FREEDMAN. 0863

IN RE

Application for Enrollment of

INFANT CHILD

Lena Bell

as a citizen of

CHEROKEE

Nation

JUN 28 1901

1901

Commissioner.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED  
JUN 28 1901

ACTING COMMISSIONER

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,  
of Lena Bell born on the 20 day of June, 1889  
(Here insert name of child.)  
Name of Father: Alfred Bell, a citizen of the Cherokee Nation.  
Name of Mother: Missouri Bell, a citizen of the U.S. Nation.  
Post-office, Hayden I.T.

## AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY.

Northern District.

I, Missouri Bell, on oath state that I am 51

years of age and a citizen, by U.S. of the U.S. Nation;

that I am the lawful wife of Alfred Bell, who is a citizen, by  
adoption, of the Cherokee Nation, that a female child was  
(male or female.)

born to me on the 20 day of June, 1889; that said child has been  
named Lena Bell, and is now living, and the

attending midwife is dead Missouri Bell  
WITNESSES TO MARK mark

(Must be Two  
Witnesses)

Lela V. Hester  
Henry Pack

Subscribed and sworn to before me this 28 day of June, 1900.

Louis J. Brown  
NOTARY PUBLIC.

## AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY.

District.

I, \_\_\_\_\_, on oath state that I  
attended on Mrs. \_\_\_\_\_, wife of \_\_\_\_\_

on the \_\_\_\_\_ day of \_\_\_\_\_, 1889; that there was born to her on

said date a \_\_\_\_\_ child; that said child is now living and is said to have been

named Lena Bell.

WITNESSES TO MARK:

(Must be Two  
Witnesses)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 1900.

NOTARY PUBLIC

CHEROKEE FREEDMAN.

20

D863

IN RE

Application for Enrollment of

INFANT CHILD

Russia Bell

as a citizen of

CHEROKEE Nation.

Approved

JUN 28 1901

190

*[Signature]*  
Commissioner.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED  
JUN 28 1901

*[Signature]*  
ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,  
of Rusria Bell born on the 11 day of November, 1884  
(Here insert name of child.)  
Name of Father: Alfred Bell, a citizen of the Cherokee Nation.  
Name of Mother: Missouri Bell, a citizen of the U.S. Nation.  
Post-office, Hayden E.T.

## AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
Northern District.

I, Missouri Bell, on oath state that I am 07  
years of age and a citizen, by U.S. of the U.S. Nation,  
that I am the lawful wife of Alfred Bell, who is a citizen, by  
adoption, of the Cherokee Nation, that a female child was  
(male or female.)  
born to me on the 11 day of November, 1884, that said child has been  
named Rusria Bell, and is now living, and the  
attending midwife is dead Missouri Bell  
WITNESSES TO MARK  
(Must be Two Witnesses) { Lela V. Hester  
Harry Pack mark

Subscribed and sworn to before me this 28 day of June, 1901.

Louis F. Brown  
NOTARY PUBLIC.

## AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
District.

I, \_\_\_\_\_, on oath state that I  
attended on Mrs. \_\_\_\_\_, wife of \_\_\_\_\_,  
on the \_\_\_\_\_ day of \_\_\_\_\_, 1901; that there was born to her on  
said date a \_\_\_\_\_ child; that said child is now living and is said to have been  
named Rusria Bell.  
(male or female)

WITNESSES TO MARK:  
(Must be Two Witnesses) {

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 1901.

NOTARY PUBLIC

CHEROKEE FREEDMAN.

D863

20

IN RE

Application for Enrollment of

INFANT CHILD

Lucian Bell

as a citizen of

CHEROKEE

Nation.

Approved

JUN 28 1901

190

Commissioner.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JUN 28 1901

ACTING CHAIRMAN



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,  
of Lucian Bell born on the 11 day of November, 1889  
(Here insert name of child.)  
Name of Father: Alfred Bell, a citizen of the Cherokee Nation.  
Name of Mother: Missouri Bell, a citizen of the U.S. Nation.  
Post-office, Hayden I.T.

## AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
Northern District.

I, Missouri Bell, on oath state that I am 37  
years of age and a citizen, by U.S. Nation;  
that I am the lawful wife of Alfred Bell, who is a citizen, by  
Adoption of the Cherokee Nation, that a male child was  
(male or female.)  
born to me on the 11 day of November, 1889 that said child has been  
named Lucian Bell, and is now living, and the  
attending midwife is dead Missouri Bell  
WITNESSES TO MARK  
(Must be Two Witnesses) { Lela V. Hester mark  
Henry Pack

Subscribed and sworn to before me this 28 day of June, 1900.  
Louis T. Brown  
NOTARY PUBLIC.

## AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE:

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
District.

I, \_\_\_\_\_, on oath state that I  
attended on Mrs. \_\_\_\_\_, wife of \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_, 1889; that there was born to her on  
said date a \_\_\_\_\_ child; that said child is now living and is said to have been  
named Lucian Bell.  
(male or female.)

WITNESSES TO MARK:  
(Must be Two Witnesses) { \_\_\_\_\_  
\_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 1900.

NOTARY PUBLIC.

CHEROKEE FREEDMAN. 20 863

IN RE

Application for Enrollment of

INFANT CHILD

Earl Bell

as a citizen of

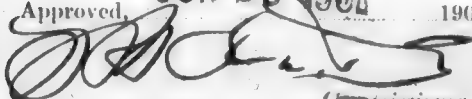
CHEROKEE.

Nation.

Approved.

JUN 28 1901

190



Commissioner.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED  
JUN 28 1901

 ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,  
of Earl Bell born on the 22 day of September, 1882  
(Here insert name of child.)  
Name of Father: Alfred Bell, a citizen of the Cherokee Nation.  
Name of Mother: Missouri Bell, a citizen of the U.S. Nation.  
Post-office, Hayden I.T.

## AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
Norman District.

I, Missouri Bell, on oath state that I am 37  
years of age and a citizen, by U.S. Nation;  
that I am the lawful wife of Alfred Bell, who is a citizen, by  
adoption, of the Cherokee Nation, that a male child was  
(male or female.)  
born to me on the 22 day of September, 1882, that said child has been  
named Earl Bell, and is now living. and the  
attending midwife is dead

WITNESSES TO MARK

(Must be Two Witnesses)

Lela V. Hester  
Henry Pack

Missouri Bell  
made

Subscribed and sworn to before me this 28 day of June, 1901.

Louis T. Brown  
NOTARY PUBLIC.

## AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
District.

I, \_\_\_\_\_, on oath state that I  
attended on Mrs. \_\_\_\_\_, wife of \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_, 1\_\_\_\_; that there was born to her on  
said date a \_\_\_\_\_ child; that said child is now living and is said to have been  
named Earl Bell.

WITNESSES TO MARK:

(Must be Two Witnesses)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 1901.

NOTARY PUBLIC.

FD-302

MAR 22 1962

*[Signature]*  
SPECIAL AGENT IN CHARGE

# **NOTICE.**

## **Cherokee - Freedmen - Enrollment.**

The Commission to the Five Civilized Tribes will continue in session at

### **MUSKOGEE, IND. TER.,**

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Alfred Bell,

Hayden, I. T.

Cherokee-F-D-665.

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.



①

FD 863

## MEMORANDUM OF APPLICATION.

## CHEROKEE FREEDMEN.

Date

JUN 25, 1901

Post Office

Hayden, S. C.

District

No. 1

1. Name

Alfred Bell

Age

57

Owner's name

L. B. Bell

Citizenship

Cherokee

Year

Page

No.

District

Parents:

Father

Citizenship

Mother

Citizenship

2. Name of wife

Age

Owner's name

Year

Page

Parents:

Father

Citizenship

Mother

Citizenship

Names of Children:

|    |     |         |      |      |      |     |       |    |
|----|-----|---------|------|------|------|-----|-------|----|
| 2  | 3.  | James   | Bell | Year | Page | No. | Dist. | 20 |
| 3  | 4.  | Earl    | "    | Year | Page | No. | Dist. | 18 |
| 4  | 5.  | Lucian  | "    | Year | Page | No. | Dist. | 16 |
| 5  | 6.  | Russell | "    | Year | Page | No. | Dist. | 16 |
| 6  | 7.  | Eddie   | "    | Year | Page | No. | Dist. | 14 |
| 7  | 8.  | Bella   | "    | Year | Page | No. | Dist. | 12 |
| 8  | 9.  |         |      | Year | Page | No. | Dist. |    |
| 9  | 10. |         |      | Year | Page | No. | Dist. |    |
| 10 | 11. |         |      | Year | Page | No. | Dist. |    |
| 11 | 12. |         |      | Year | Page | No. | Dist. |    |

Application made by

No. 1

Stenographer

Edgar von Weiz  
R. B. Jones

Proof of marriage required  
~~Proof of marriage to be supplied~~  
 Proof of birth of 2 to 7 inc. to be supplied.

Represented by Mellette and Smith.

8

Q 7 10 P 63

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED  
OCT 12 1901

*[Handwritten signature]*

ACTING CHAIRMAN

COMMISSIONERS:

HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, August, 1901

Received of the Commission to the Five Civilized  
Tribes one copy of the testimony in the matter of the  
application of Alfred Bell et al for en-  
rollment as Cherokee Freedmen.

Mellott Smith

Cherokee Freedmen #

D863

COPY.

Cherokee Freedmen  
D-863

Muskogee, Indian Territory, March 22, 1904.

Alfred Bell,

Hayden, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, rejecting, among others, your application for the enrollment of yourself and your six minor children, James, Earl, Lucian, Russia, Eddie and Cena Bell, as Cherokee freedmen. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

*T. B. Nease*

Register.  
Enc. D-84.

Commissioner in Charge.



COPY.

Cherokee Freedmen  
D-863 et al

Muskogee, Indian Territory, March 22, 1904.

Edgar Smith,

Attorney for Alfred Bell et al.,  
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, in the consolidated case of Alfred Bell et al., rejecting the applications for the enrollment of Alfred, James, Earl, Lucian, Russia, Eddie, Cena, William and Robert Bell as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

*J. B. Nease*

Register

Enc. D-37.

Commissioner in Charge.

COPY

Cherokee Freedmen  
D, 843, 908, 975,  
1935.

Muskogee, Indian Territory, March 23, 1904.

W. V. Hastings,  
Attorney for the Cherokee Nation,  
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 3, 1904, in the consolidated case of Alfred Bell, et al., rejecting the applications for the enrollment of Alfred Bell, James Bell, Earl Bell, Lustin Bell, Russia Bell, Edie Bell, Gena Bell, William Bell, Mennie Derrick and Robert Bell as Cherokee Freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

*T. B. Needles.*

Encl. D-44

Commissioner in Charge.

COPY.

Cherokee Freedmen  
D, 843, 905, 975,  
1033.

Muskogee, Indian Territory, March 22, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Alfred Bell, et al., including the Commission's decision dated March 5, 1904, rejecting the applications for the enrollment of Alfred Bell, James Bell, Earl Bell, Lucian Bell, Russia Bell, Eddie Bell, Cema Bell, William Bell, Mennie Derrick and Robert Bell as Cherokee freedmen.

Respectfully,

*I. B. Needles.*

Encl. D-48

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

( COPY )

Refer in reply to  
the following:  
Land.  
20432-1904.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, July 9, 1904.

The Honorable,

The Secretary of the Interior.

Sir: I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes dated March 22, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen of Alfred Bell for himself and his six minor children, James, Earl, Lucian, Russia, Eddie and Cena Bell; of William Bell for himself; of Nannie Derrick for herself and her brother Robert Bell.

March 5, 1904, the Commission found that the applicants were not entitled to enrollment as Cherokee freedmen.

The record shows that the principal applicant, Alfred Bell was at the beginning of the war of the rebellion, the slave of a Cherokee resident of the State of Texas and was not residing in the Cherokee Nation. All of the other applicants have no right to enrollment except such as may be possessed by the applicant, Alfred Bell.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

M.M.K.

3 encl.

A. C. Turner

Acting Commissioner.

D.C. 2081-1904.

( COPY )

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

J.F.

PER

I.T.D. 5624-1904.

July 14, 1904.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

July 9, 1904, the Acting Commissioner of Indian Affairs submitted to the Department the papers in the case involving the application of Alfred Bell, for the enrollment of himself and his minor children, James, Karl, Lucian, Russia, Eddie and Cens Bell; of William Bell for himself; of Nannie Derrick for herself and her brother Robert Bell, as Cherokee freedmen.

You rejected the applicants in your decision of March 5, 1904, because it did not appear that Alfred Bell, through whom the other applicants claim, returned to the Cherokee Nation within the time specified in the treaty of 1866.

Finding no reason to disturb your decision, it is hereby affirmed, for the reasons therein stated, and not for the reason given by the Acting Commissioner, in his recommendation that your decision be concurred in, that Alfred Bell was at the beginning of the war of the rebellion the slave of a Cherokee resident of the State of Texas, and was not residing in the Cherokee Nation, which is not borne out by the testimony. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

( Signed ) Theo Ryan

1 inclosure.

Acting Secretary.



Cherokee Freedmen  
D-905 D-976,  
D-843 D-1023.  
Muskogee, Indian Territory, August 4, 1904.

Hastings, Bell & Davenport,  
Attorneys for the Cherokee Nation,  
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated March 5, 1904, in the consolidated case of Alfred Bell, et al., rejecting the applications for the enrollment of William Alfred, James, Earl, Lucian, Russia, Eddie, Cena and Robert Bell, and Nannie Derrick as Cherokee freedmen, was affirmed by the Secretary of the Interior on July 14, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen

D-905 D-263 D-1033

Muskogee, Indian Territory, August 4, 1904.

Edgar Smith,

Attorney for Alfred Bell, et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated March 5, 1904, in the consolidated case of Alfred Bell, et al., rejecting the applications for the enrollment of Alfred, James, Earl, Lucian, Russia, Eddis, Cema, William and Robert Bell as Cherokee freedmen, was affirmed by the Secretary of the Interior on July 14, 1904.

Respectfully,

Commissioner in Charge.

## COMMISSIONERS:

TAMM HENRY,  
THOMAS B. NEEDLES,  
C. B. BRECKINRIDGEWM. O. BEALL  
Secretary

## DEPARTMENT OF THE INTERIOR,

## COMMISSION TO THE FIVE CIVILIZED TRIBES.

*Cherokee*

|                               |
|-------------------------------|
| NAME IN FULL IN THE FOLLOWING |
| Cherokee Freedmen,            |
| 2-538.                        |

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 12, 1904.

Alfred Bell,

Geffeyville, Kansas.

Dear Sir:

In the matter of your application for the enrollment of yourself and children as Cherokee Freedmen, you are advised that before the Commission can render a final decision in your case, it will be necessary that further testimony be introduced as to your residence since 1880; also as to whether you were a free colored person or the slave of a Cherokee citizen at the commencement of the war of the rebellion; and as to whether or not you returned to the Cherokee Nation after the war within the time specified in the treaty of 1866.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Thursday, November 17, 1904, and introduce testimony as above indicated, at which time this case will be taken up for final consideration.

Respectfully,

Register.

  
Commissioner *W. O. Beall*

Cherokee Freedmen  
R 436

Muskogee, Indian Territory, August 31, 1906

Starr & Patten,

Attorneys for Alfred Bell, et al.

Vinita, Indian Territory.

Gentlemen:

This office is in receipt, on June 25, 1906, of a motion made by you for a rehearing in the Cherokee freedmen enrollment case of Alfred Bell, et al.

Said motion will receive the proper consideration of this office and be transmitted to the Department for action thereon, at the earliest practicable date, of which you will be promptly advised.

Respectfully,

L M B

Acting Commissioner

Muskogee, Indian Territory, November 10, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

July 14, 1904 (I.T.D. 5524-1904), the Department affirmed the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, rejecting the applications of Alfred Bell et al., for enrollment as Cherokee Freedmen. June 25, 1906, there was filed with this office by Starr & Patten, Vinita, Indian Territory, attorneys for applicants, a motion for a rehearing in the case. Said motion is enclosed herewith.

In their letter of November 5, 1906, a copy of which letter is enclosed, attorneys for applicants advise that they "have made diligent inquiry ourselves for testimony for them" and that "we are unable to find anything that would add any strength to the case from the applicants standpoint and being unable to find proper witnesses to sustain our motion for rehearing we therefore request that the motion for rehearing filed by us in this case be dismissed."

In view of the record in the case, and the statements of attorneys for applicants, it is respectfully recommended



Secretary-2

that their request be granted, and that their motion for a re-hearing in the case of Alfred Bell et al., be dismissed.

Respectfully,

Commissioner.

Encl. B-29

Through the Commissioner  
of Indian Affairs.

(COPY)

D.C.48317

Nov 5th 1906.

The Honorable,

The Commissioner to the Five Civilized Tribes  
Muskogee I. T.

Dear Sir:

On June 25th 1906 we filed a motion for rehearing in the consolidated Cherokee Freedmen Enrollment cases of Alfred Bell et al and at that time asked for thirty days time in which to file affidavits in support of that motion.

We have repeatedly advised the applicants to get their affidavits but they have been unable to do so and we have made dilligent inquiry ourselves for testimony for them and after much inquiry we are unable to find anything that would add any strength to the case from the applicants stand point and being unable to find proper witnesses to sustain our motion for rehearing we therefore request that the motion for rehearing filed by us in this case be dismissed.

Respectfully,

Starr & Patten

JCB

COPY

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

LAND:  
47111-1904  
99840-1906.

---

December 5, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of July 14, 1904, (I. T.D. 5624-1904), affirming the decision of the Commission to the Five Civilized Tribes, rejecting the application of Alfred Bell et al., for enrollment as Cherokee freedmen, I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated November 10, 1906, enclosing a motion for a rehearing in this case, filed June 25, 1906, by Starr & Patten, Vinita, Indian Territory, attorneys for the applicants.

There is enclosed with the Commissioner's communication copy of a letter from Starr & Patten, dated November 15, 1906, in which they say that they have repeatedly advised the applicants to get their affidavits in support of their motion, but that they have been unable to do so. The attorneys themselves having made diligent inquiry for testimony, they say they are unable to find anything that would add any strength to the case from the

standpoint of the applicants, and being unable to find proper witnesses, they request that the motion for a rehearing be dismissed.

In view of the letter of the attorneys, the Office respectfully recommends that the motion be denied.

The record in the case is transmitted herewith.

Very respectfully,

G. P. Larrabee,

Acting Commissioner.

EWE-MH

D.C. 112-1907.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

Y.P.

YEL.

I.T.D. 24330-1904.

L.R.S.

December 27, 1906.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

The motion for rehearing in the consolidated Cherokee freedom case of Alfred Bell, et al., received with your letter of November 10, 1906, and Indian Office letter of December 3, 1906 (Land 99240), is denied, in accordance with your recommendation and that of the Indian Office, and in accordance with the request of the attorneys who filed it, and because the Department finds no merit in it.

A copy of the Indian Office letter is inclosed.  
The other papers in the matter have been returned to that office.

Respectfully,

Thos Ryan

First Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

1 inc and 7 to Ind. Of.



D.C. 618-1907.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

I.F.  
PER.

I.T.D. 24530-1906.

L.R.S.

December 27, 1906.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

The motion for rehearing in the consolidated Cherokee freedman case of Alfred Bell, et al., received with your letter of November 10, 1906, and Indian Office letter of December 5, 1906 (Land 99840), is denied, in accordance with your recommendation and that of the Indian Office, and in accordance with the request of the attorneys who filed it, and because the Department finds no merit in it.

A copy of the Indian Office letter is inclosed.  
The other papers in the matter have been returned to that office.

Respectfully,

Thos Ryan

First Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

1 inc and 7 to Ind. Of.

Cherokee F.  
R 436.

Muskogee, Indian Territory, January 14, 1907.

Alfred Bell,

Hayden, Indian Territory.

Dear Sir:

You are hereby advised that a motion for a rehearing of the Cherokee freedmen enrollment case of yourself and children was denied by the Secretary of the Interior, December 27, 1906.

Respectfully,

JMH

Commissioner.

Cherokee Y.  
R 436 et al.

Muskogee, Indian Territory, January 14, 1907.

Starr & Patton,

Attorneys for Alfred Bell, et al.,

Vinita, Indian Territory.

Dear Sirs:

You are hereby advised that a motion for a rehearing in the Cherokee freedmen enrollment case of Alfred Bell, et al., was denied by the Secretary of the Interior, December 27, 1906.

For your information, there is enclosed herewith copy of Departmental decision referred to.

Respectfully,

Encl. H-17  
JMR

Commissioner.

Cherokee F.  
R 436 et al.

Muskogee, Indian Territory, January 14, 1907.

W. W. Hastings,  
Attorney for Cherokee Nation,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that a motion for a rehearing in the Cherokee freedmen enrollment case of Alfred Bell, et al., was denied by the Secretary of the Interior, December 27, 1906.

For your information, there is enclosed herewith copy of Departmental decision referred to.

Respectfully,

Encl. N-18  
JMH

Commissioner.

Department of the Interior.  
Commission to the Five Civilized Tribes,  
MUSKOGEE, IND. TER.

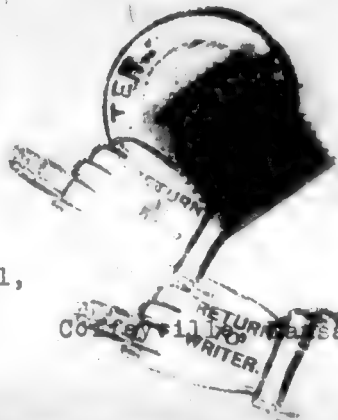
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14186  
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Alfred Bell,

957



REGISTERED  
OCT 13 1904  
MUSKOGEE, IND. TER.





Cher. Fr. R. 437

See Cher. Fr. R. 436-8-9

Cher. Fr. R. 437

and that the same is a true and complete copy of the original from-  
Commission to the Five Civilized Tribes to issue the 1890 Census  
M. I. Green, being first and last of the said Commission that is to say

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Subscribed and sworn to before me this 10th day of August, 1890.  
(Signed) J. H. Green, Clerk of the Five Civilized Tribes.

and collect transcript of his attendance notice to him, and the  
proceedings in the above cause and put the foregoing in full of the  
mission to the Five Civilized Tribes as reported in full of the  
Green, von Weise, being sworn states that as aforesaid.

=====

How John sign, you were married was he doing V. A. Green.  
How old is Willis V. 38.  
By the Court.

Vie they married V. Willis and he.  
Where does Willis live? A. Close to where I live.  
Where does he live? A. In the same place.  
What is his name? A. Willis.  
Has she any children? A. One.  
Where does she live? A. Willis.  
What is her name? A. Willis.  
Is he married? A. Yes.  
and name.  
Give me the names of the children of John and Willis, do you

(3) 4

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
FILED  
SEP 3 1891

6405178905

To be filed in the case of William Bell, CFD-905.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Nowata, I. T., June 25, 1901.

In the matter of the application of Alfred Bell for the enrollment of himself and six children as Cherokee Freedmen.

Appearances:

Mellette & Smith, attorneys for applicants;  
W.W.Hastings, of counsel for Cherokee Nation.

Alfred Bell, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Alfred Bell.  
Q How old are you? A 51.  
Q What is your post office address? A Hayden.  
Q What district do you live in? A Cooweescoowee.  
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.  
Q Your name on any of the rolls of the Cherokee Nation? A No, sir, I reckon now, without it is the rejected roll.  
Q You never have been recognized then by the Cherokee authorities?  
A No, sir.  
Q Who do you want to enroll besides yourself? A My children.  
Q How many children have you got? A Nine.  
Q Are you married? A Yes, sir.  
Q What is your wife's name? A Missouri.  
Q How old is she? A About 50.  
Q Is she a citizen? A No, sir.  
Q She is a non citizen is she? A Yes, sir.  
Q Well, give me the names of your children under 21 years of age and unmarried? A (Hands Commissioner paper.)  
Q James, he is 20, is he? A Yes, sir.  
Q Earl, he is 18? A Yes, sir.  
Q Lucian, he is 16 is he? A Yes, sir.  
Q What is the name of the next one, Russia? A Yes, sir.  
Q How old is Russia? A 16, they are twins.  
Q The next one Eddie, 14? A Yes, sir.  
Q What is the last one's name? A Senie.  
Q Is she 12? A Yes, sir.  
Q These children all living at this time? A Yes, sir.  
Q They born and raised in the Cherokee nation? A Yes, sir.  
Q Just six then that are under age? A Yes, sir.  
Q Mr. Smith: Mr. Bell, how old did you say you are? A 51.  
Q Were you a slave? A Yes, sir.  
Q Who did you belong to? A Mr. Bell's wife.  
Q Which Bell? A Hookey Bell, Sabra Bell.  
Q Col. L. B. Bell's wife? A Yes, sir.  
Q Where were you living when the war commenced? A Living in the Nation, here on Beattie's Prairie.  
Q Who were you living with? A Mr. Bell and his wife.  
Q Were you taken out, or did you go out, of the Cherokee Nation during the war? A Yes sir, they carried me south.  
Q Who carried you? A Mr. Bell, my master.  
Q Where did he carry you to? A Texas.  
Q When did you return to the Cherokee Nation after the war? A '66  
Q Where did you come to? A Fort Gibson.  
Q How long did you stay in Fort Gibson? A I didn't stay up there but about five or six days.  
Q Then where did you go? A Came up on Lightning Creek.  
Q Then how long did you live up on Lightning Creek then after coming there that time? A I lived there off and on, three years.  
Q Where do you live now? A On Lightning Creek.  
Q How long have you been living there the last time? A On Lightning Creek.  
Q Yes sir? A I have been living there all the while.

Alfred Bell 2.

Q I understand you to say you lived three years on Lightning Creek after you went there from Fort Gibson? A Yes, sir, I went from there where I am.

Q You are still on Lightning Creek, are you? A Yes, sir.

Q You have been living there you are now ever since you moved from the first place you went to on Lightning Creek? A Yes, sir, ever since I moved from Mr. Daniels place I went where I am, I worked there off and on until I came to where I now live.

Q All the seven children for whom you apply, that you have named, are they the children of yourself and your wife, Missouri Bell?

A Yes, sir.

Q Have they all been born since you and Missouri have been married and ~~have~~ living together? A Yes, sir.

Q Are they living with you, these children? A Yes, sir, some of them are, the others are living up in the country, the oldest ones.

Q Are these children whose names you gave here, which ones are living somewhere else, if any of them are not living with you?

A They are about in the country, there are not any of them but what are in the country at this time.

Q They are all alive now? A Yes, sir.

Mr. J.S. Davenport: Cherokee attorney: Where were you living when the war broke out? A On Beattie's Prairie.

Q You didn't go to Texas with Mr. Bell before the war broke out? A Yes, sir.

Q You were not living on Beattie's Prairie then when the war broke out? A Well, at the breaking out they carried me south.

Q You went south before there was any war, didn't you? A Yes, sir, the war it hadn't commenced when I went to Texas.

Q You lived there now until you say, '66; is that when you claim you left there? A No, sir, I claim I came back here.

Q When did you leave Texas? A I left in '66.

Q What time of the year? A In the fall.

Q Now when did you go back to Texas? A I didn't go back to Texas at all.

Q Where you married men at the time you left Texas in '66? A No, sir, I was a boy.

Q How old were you? A I was 18 years old.

Q Well, you went back to Texas then later on? A Yes, sir.

Q Well you married in Texas? A Yes, sir.

Q Now you had a child named Bob that was born in Texas, didn't you? A No, sir.

Q One named Frank that was born in Texas? A No, sir.

Q Where was Nannie born? A They are my children.

Q Were not they born in Texas? A No, sir.

Q Where were they born? A On Lightning Creek.

Q Bob was born on Lightning Creek, was he? A Yes, sir.

Q And Nannie? A Yes, sir.

Q And Jim? A Yes, sir.

Q And Ernest? A Yes, sir.

Q Lucian was born on Lightning Creek? A Yes, sir.

Q And Russia? A Yes, sir.

Q Eddie? A Yes, sir.

Q And Senie? A Yes, sir.

Q All your children were born on Lightning Creek? A Yes, sir.

Q Lightning Creek in the Cherokee Nation, is it? A Yes, sir.

Cherokee nation.

Q Did you testify before the Kern-Clifton Commission? A Yes, sir.

Q I will ask you if you didn't testify before that Commission that all your children excepting Willie were born in the State of Texas? A I don't know whether I did or not, I might have.

Q If you did testify to that, was it true or untrue? A No, sir, they were born here.

Q When you came to Lightning Creek in '66 who did you find there?

A In '66 I found these people lives on Lightning Creek here, Mr.



Alfred Bell 3.

Whitmire's folks, Harry Still.

Q Which one of the Whitmires? A Mose.

Q Who else? A Ransom Downing.

Q Who else? A Uncle Mose and Ransome Downing I said.

Q They were the only people living in the Cherokee Nation on Lightning Creek when you came back? A No sir, they were not all there.

Q Who else were there? A Yes, sir, there were other people.

Q Who were they? A Looney Glass' folks I judge.

Q To what point on Lightning Creek in the Cherokee Nation did you first return? A Over here up where I am living at near Hayden postoffice.

Q What year were you married? A I married in the year '69 I believe.

Q In 1869? A Yes, sir.

Q You know what County in Texas you were married in? A Grayson I believe, some of them counties.

Q How long did you live in Texas after you were married before you came to the Cherokee Nation? A I just stayed there the balance of the year, and came back to the Nation.

Q Did you come back before or after Hookey Bell came from Texas, or L. B. Bell, commonly called Hookey? A I came back before he did.

Q About how long before, or do you know? A No, sir, I don't know exactly how long before he did.

Q Where was he living before he left Texas? A Living on the old Bell place the last I knew of him.

Q That was before you married or after you married? A Before I married.

Q Then you went back to Texas and married? A Yes, sir.

Q Was Mr. Bell there when you went back? A No, sir.

Q Where did you first see Harry Still after you came back to this country? A Near there where he lived at, on a place close to Hayden postoffice there.

Mr. Hastings: Was that after you brought your wife there? A No, sir, it wasn't the first time I saw him, he was there when I came there from Daniel's place, he helped me make my place.

Q Did you make that after you married? A No, sir, before I married.

Q When you came the first time? A Yes, sir.

Mr. Davenport: What time did you come to Lightning Creek? A In the spring.

Q Of what year? A In the spring of '68 I believe, I don't know exactly what year, but it was in the spring after I stopped to Daniel's to work there, and went over the next spring and took up a farm on Lightning Creek.

Q How many times you been married? A Once.

Q Your wife's name Mary? A Yes, sir.

Q Was she ever married before you married her? A Yes, sir.

Q What was her first husband's name? A His name was Tom Stanford.

Q Was he living when she married you? A No, sir, he died.

Q She was a widow? A Yes, sir.

Q You and she been living together ever since you married?

A Yes, sir.

Q She was a citizen of the State of Texas? A Yes, sir.

Q Have you got any marriage certificate? A No sir.

Q She is the mother of all these children is she? A Yes sir.

.....  
Taking of testimony continued by Stenographer Chas. von Weiss.  
.....

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Bruce C. Jones.

Alfred Bell 4.

Sworn to and subscribed before me this the 8th of July, 1901.

(signed) C. R. Breckinridge,  
Commissioner.

Continued from Stenographer B. C. Jones.

Nowata, I. T., June 25th, 1901.

\*\*\*\*\*

By Mr. Davenport, of applicant-

Q Where did you see Fred Martin the first time after the war? A Fort Gibson.

Q When was that? A In '66.

Q What time of the year? A In the fall.

Q Who was ~~xxx~~ with you then? A George Thompson.

FRED MARTIN called and sworn as a witness for the applicant-

By Mr. Smith-

Q What is your name? A Fred Martin.

Q Where do you live? A On Grand river, Saline District.

Q What is your post-office? A Spavinaw.

Q Do you know the applicant here, Alfred Bell? A Yes sir, I have seen him.

Q How long have you known him? A When did you first become acquainted with him? A There was a boy that was with George Thompson who came to our house, that they called Alfred, and to the best of my knowledge this is the boy.

Q When were they at your house? A In the fall of '66.

Q Were you a witness in the George Thompson case? A Yes sir I was

Q Where did you see him, what place? A Fort Gibson.

Q You mean Fort Gibson, Indian Territory? A Yes sir.

Mr. Davenport-

Q How old was this boy that they called Alfred that was with George Thompson the time you saw him? A A good sized boy.

Q About how old did he look to be? A I don't know.

Q Was he ten years old or more? A Looked to be bigger than that.

Q How old were you then? A I am now 43 years old.

Q That would make you about seven years old then? A 8 or 10, I think I was.

Q How long were they there? A A short time.

Q A good many people came there didn't they? A Yes sir.

Q You have testified as to the identity of a great many people, men, women, girls and boys that came there to your house that time haven't you? A No sir not many.

Q Well you have testified as to some haven't you? A Yes sir all those I saw and remember.

Q You had never seen this boy before that had you? A No sir.

, HARRY STILL, called and sworn as a witness for the applicant-

By Mr. Smith;

Q What is your name? A Harry Still.

Q What is your post office address? A Hayden.

Q Are you a recognized citizen of the Cherokee Nation, a freedman?

A Yes sir.

Q Do you know this applicant, Alfred Bell? A Yes sir I know him.

Q Do you know this applicant, Alfred Bell? A Yes sir I know him.

Q Do you know whether he was a slave or not before the war? A No sir I don't.

Q When did you first see him in the Cherokee Nation after the war?

A January '66.

(5) 2

Q Where did you see him? A Coming to Ransom Thompsons and staid there a while and left there.

Q How long did he stay there? A Staid there until long in the summer some time.

Q Are you sure that it was in January? A Yes sir Ransom went to Fort Gibson and when he come back this man came with him.

Q Do you know where this applicoant lives now? A Yes sir.

Q How far is it from you? A Adjoining places withme.

Q How long has he lived there? A It has been- he started a claim there the same spring he came there and lived there several years and then left; he lives there now.

By Davenport-

Q You saw this fellow at Ransom Thompson 's place in January '66?

A Yes sir.

Q And you have been seeing him ever since in the country? A No sir not all the time.

Q You don't know who his master was? A No sir.

Q You dont know when he moved back to the nation to live? A I know I saw him in January, '66.

Q You didn't get back your self until August '66 did you? A I got back here in '65 and '66 both.

Q You wasn't there in the Cherokee Nation in January '66 were you?

A Of course I was.

Q You you got back in January and saw him in January '66? A I got back the last part.

Q Of January? A Of '66.

Q Where was Alfred's family when you saw him in '66? A Didn't have any.

Q When did he bring his famil y, did you ever see them? A Yes sir I saw them, the next time I saw him.

Q How long after you saw him first did you see his family? A 4,5 or 8 years.

Q He didn't continue to reside there in that community in '66?

A No sir, he came there and staid awhile and left and then came back again and he had his family with him then.

Q How many children had he when he returned? A Didn't have any, might have had William.

Q Was his children all born on Lightning creek in the Cherokee Nation? A I think they was.

Q How far did he live from you then? A I guess he lived about 4 miles from my place first and now we had adjoining places.

By Smith-

Q You said some thing awhile ago about coming back here in the last part of '66 and of seeing this man in January of '66 what do you mean by that? A I made three trips here, the first one was in the spring of '65, the second one was in the spring of '66 and the last ne was in the fall of '66.

Q You came here the second time in the spring of '66? A Yes sir.

Q Then you were not here in January of '66? A No sir. I come to Fort Gibson in '65, and then come here in the first part of '66.

Q Then you were not here in January of '66? A No sir; I came to Fort Gibson in '65 and then come here in the first part of '66 and then came again in the fall of '66, I made three trips.

Q Then what time of the year was it that you saw this boy in '66?

A The last part.

Q Now let me understand you right, when did this man Alfred Bell come there to where you saw him in '66, was it before or after your third and last trip? A It was after.

Q What made you say that it was in January then? A I should have said the last part of '66.

By Com'r Needles-

Q If you did say that it was in January '66 it was a lapsus Linguae

(6) 3

was it? A Yes sir.

JOHN LANDRUM called and sworn as a witness for the applicant-

By Mr. Smith-

Q What's your name? A John or Jack Landrum.

Q Where do you reside? A Hayden.

Q Do you know the applicant, Alfred Bell? A Yes sir.

Q Did you know him before the war? A Yes sir.

Q Was he a slave? A Yes sir.

Q Who did he belong to? A They said a cooley Bell owned him, I don't know if it was him or his wife that owned him.

Q When did you first see this applicant, Alfred Bell, in the Cherokee nation after the war? A After the war I see'd him on Salt Creek.

Q Where is Salt creek? A This side of Lightning, 5 or 6 miles.

Q Is it that in the Cherokee nation? A Yes sir.

Q When was it that you saw him there? A In '67, it was so said.

Q Do you know what time of the year it was? A No sir I disremember what month it was, I did have it in my mind but I just forget it.

Q You don't know how long he had been there? A No sir.

By Com'r Needles-

Alfred Bell applies for himself and six children; his name cannot be identified on the roll of 1880 or on any of the rolls in the possession of the Commission, neither can the names of his children be found thereon. He avers that he was a slave in the Cherokee nation before the war, was taken out of the Cherokee nation and returned in 1866; he avers that he married in Texas, his wife Missouri being a non-citizen. He makes no proof of his marriage, and it will be necessary for him to file proof of his marriage in the shape of a verified copy of the marriage record, and also satisfactory proof of the birth of his children. Now he and his six children as named in the testimony will be listed for enrollment as Cherokee Freedmen on a doubtful card, and he will be notified by mail of the final decision of the commission.

\*\*\*\*\*  
ADDITIONAL TESTIMONY.

By Mr. Smith of John Landrum:

Q How far do you live from the applicant? A About two and a half miles.

Q Have you ever been at his house? A Yes sir.

Q Do you know his wife? A Yes sir.

Q Are they living together as man and wife? A Yes sir.

Q How long have they been living as man and wife? A Ever since they came there.

Q Are they received in the community as man and wife? A Yes sir.

By Hastings-

Q When did they come there as man and wife? A She came there when he came up there on Salt creek the second time, he came first by himself.

Q When did his wife come? A She came the latter part of '67.

Q Did they have any children when they came? A Yes sir.

Q How many? A Oh no sir, they didn't have none then.

Q He brought his wife there in the latter part of '67 did he? A Yes sir.

Q That was in the Cherokee nation? A Yes sir.

By Com'r Needles-

Q Do you know this man's children? A Yes sir.

Q Were they all born in the Cherokee nation? A Yes sir I guess so.

By Smith of the applicant-



(7) 4

Q Give me the names of your children older than James? A Will, Bob and Nanie.

Q Is Nannie married? A Yes sir.

Q What is her name now? A Birm.

Q Where does she live? A With.

Q Has she any children? A One.

Q What is its name? A Lucian Dicks.

Q Where does Robert live? A Up about me on Lightning Creek, Cherokee nation.

Q Where does William live? A Close to where I am.

Q Are they married? A Will has been.

By Hastings-

Q How old is Will? A 28.

Q How long after you were married was he born? A A year.

\*\*\*\*\*

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes, the rein.

(signed) Chas. von Weise.

Subscribed and sworn to before me this the 10th of July, 1901.

(signed) F.B. Needles,  
Commissioner.

-----

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that the same is a true and complete copy of the original transcript.

*M.D. Green*

Subscribed and sworn to before me this August 27th, 1901.

*[Signature]*

Commissioner.



12

70905

ATTENTION

RECEIVED

DEPARTMENT OF THE  
COMMISSION TO THE FIVE CIVILIZED

FILED  
JUL 16 1901

NOTING CHAIRMAN

THE COMMISSION TO THE FIVE CIVILIZED  
NATIONS  
WASHINGTON  
D. C.  
JULY 16 1901

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Nowata, I. T., June 27, 1901.

In the matter of the application of William Bell for the enrollment of himself as a Cherokee Freedman; being sworn and examined by Commissioner Needles, he testified as follows:

- Q What is your name? A William Bell.  
Q What is your age? A 28 years old.  
Q What is your post-office address? A Hayden.  
Q What District do you live in? A Coowasecooos.  
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.  
Q Who do you want to enroll besides yourself? A No one.  
Q What is your father's name? A Alfred Bell.  
Q What is your mother's name? A Missouri Bell.  
Q Are they living? A They are.  
Q Is your name on the roll of 1880? A No sir.  
Q On any of the rolls of the Cherokee Nation? A No sir.  
Q Where were you born? A On Lightning Creek.  
Q Cherokee Nation? A Yes sir.  
Q Lived in the Cherokee Nation all your life? A Yes sir.  
Q How does it happen that your name have never drawn any money?  
A I don't know sir.  
Q Never drawn the Kern-Clifton money? A No sir.  
Q Nor the Wallace money? A No sir.  
Q You claim your citizenship through your father or mother?  
A Father.  
Q Your father be on listed for enrollment? A Yes sir.

1880 authenticated roll of citizens of the Cherokee Nation  
examined and applicant not found;  
1896 census roll of citizens of the Cherokee Nation examined  
and applicant not found;  
Kern-Clifton pay roll of citizens of the Cherokee Nation ex-  
amined and applicant not found;  
Wallace roll of citizens of the Cherokee Nation examined and  
applicant not found.

- Q You have lived here all your life? A Yes sir.  
Q Sure you don't forget about that now, never lived outside of the  
Cherokee Nation? A I have been out.  
Q Have you ever been married? A Yes sir.  
Q Is your wife living? A Yes sir.  
Q What is her name? A Ellen. Her first name was Ellen Black-  
burn, I believe her father was named Davis.  
Q You were married more than once? A No sir.  
Q Where were you married? A Vinita.  
Q You living with your wife now? A No sir.  
Q How long did you live with her? A One year.  
Q And then separated? A Yes sir.  
Q Did you ever keep home in the Cherokee Nation? A Yes sir.  
Q Where? A On my wife's place there where I was with her.  
Q You have never lived or kept home outside of the Cherokee Na-  
tion? A No sir.  
Q What have you been doing in Kansas? A Never lived in Kansas in my  
life, only I have been to Coffeyville.  
Q Were you ever in Oklahoma? A (No reply.)  
BY MR. DAVERPORT, Cherokee Representative:  
Q Were you born in Texas? A Not that I know of.  
Q When did you come to this country, at the same time your father  
did? A I don't know anything about when my father came to this  
country.  
Q You can't remember when your father was living in Texas? A No sir.  
Q Can you remember when he was living in the Chickasaw or Choctaw

William Bell 2

Nation? A No sir.

Q First time you remember you was living in the Cherokee Nation?

A Yes sir.

Q What point were you living in the Cherokee Nation when you first remember? A On Lightning Creek.

Q Near Hayden? A Yes sir.

Q About how far from Hayden? A Oh about a mile I suppose.

Q Now can't you remember living in the Chickasaw and Choctaw Nation, with your father? A No sir, I don't.

Q Don't you know your father came up here about the time the Wallace court was in session ~~far~~ from the Chickasaw Nation, and had formerly lived in Texas? A No sir.

Q Don't remember that? A No sir.

BY COM'R NEEDLES:

Q You never was told where you were born? A Yes sir.

Q Where did they say you were born? A On Lightning Creek in the Cherokee nation; ~~thaxix~~

Q That's what you have always been told, that you were born on Lightning Creek in the Cherokee Nation? A Yes sir.

Q 23 years ago? A Yes sir.

Com'r Needles: William Bell applies for the enrollment of him self; he cannot be identified upon any of the rolls of the Cherokee nation; he avers that he is a child of Alfred Bell who was listed for enrollment on D card 863, and asks that the testimony taken in the application of Alfred Bell be made a part of the record in the case at bar, and a copy thereof is ordered filed herewith; reference is made to the testimony as to the residence of said applicant. Commission is sorry that the manner of the witness cannot be placed in the record when he was questioned as to his residence. He will now be listed for enrollment as a Cherokee Freedman and he will be notified by mail of the action of the commission when arrived at. He will be placed upon a doubtful card.

-----

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

*M.D.Green*

Subscribed and sworn to before me this July 11, 1901.



Commissioner R.

Alfred Bell (sup'1) 2

F. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this November 15th, 1901.

Notary Public

NOV 21 1901  
RECEIVED  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
DEPARTMENT OF THE INTERIOR

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File with C. F. D-905, William Bell.

SUPPLEMENTAL: C.F. D-863.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I.T., October 9, 1901.

In the matter of the application of Alfred Bell et al for  
enrollment as Cherokee Freedmen.

Appearances:

Mr. Smith, of Melletts & Smith, attorneys for applicants;  
Mr. W. W. Hastings, of attorneys for Cherokee Nation.

L. B. BELL, being sworn by Commissioner New Gas, testified  
as follows:

BY MR. HASTINGS:

- Q. What is your name? A. L. B. Bell, 62, Vinita.
- Q. Are you a Cherokee citizen by blood? A. Yes sir.
- Q. Did you or your family, prior to and up to the war, own a  
slave by the name of Alfred Bell? A. Yes sir, I did, and my wife,  
or rather belonged to my wife.
- Q. Mr. Alfred Bell who applied for enrollment as a citizen at  
Nowata? A. Same Freedman.
- Q. Where were you living in 1865 or '6 after the war? A. Why I was  
living in Rusk County, Texas, on a farm.
- Q. Now where was this Alfred Bell in '65 and '66? A. He was there  
on my farm.
- Q. Was he there during the entire year of '66? A. Well he was I  
reckon, I farmed there that year and had him on the place; he might  
have quit me sometime along about Christmas of that '66; I know he  
did when that terminated, went off and rented a farm somewhere  
else; I was breaking up to move back to the Cherokee Nation then,  
in '67.
- Q. Well when did you come back? A. I left there in March, 1867.
- Q. Where was Alfred Bell at that time? A. Well Alfred as I under-  
stood from him had rented some land near by there, I don't know,  
mile or two away from there, probably further.
- Q. Well he had lived with you through the year of '66 clean up until  
Christmas? A. Yes sir, up about that time. The year went out  
there with them you know when Christmas come; we didn't do no more  
work after that time; the first of January was generally understood  
to be the first of the year though.
- Q. You mean by that the first of January, '67? A. Yes, the first of  
January, of any year.
- Q. Well after he left you in '66 in the spring of '67 did you hear  
of Alfred Bell making a ~~any~~ trip up to the Cherokee Nation before  
you left down there? A. No, I never heard of anything of that sort.
- Q. Did you ever see Alfred Bell since you came up here? A. Yes, I  
think the first time I met Alfred was over there at the Wallace  
roll; I don't have a distinct recollection of the time, but I am  
satisfied of that, because the Clifton roll was the next time I saw  
him.
- Q. Where was he living when the Wallace roll was made? A. Well he  
was just here trying to get on that roll.
- Q. You know where he come from then. A. I could not state exactly  
whether he told me he was just from Texas or not; he told me though  
he had married and had a good big bunch of children.
- Q. You hadn't seen him in this country before that? A. No sir, I  
hadn't seen him here, nor heard of him being here.
- Q. Had he married when he left you? A. No. Alfred was probably  
18 or 20 years old when I saw him turned him loose.
- BY MR. SMITH:
- Q. Mr. Bell, where were you when the war closed? A. I was up near  
Sugar Point in the Cherokee Nation.



Alfred Bell et al (sup'1) 2

Q How long before you reached Rusk County, Texas? A How long before I got home?

Q Yes? A After we disbanded it took me about two days and a half to ride home.

Q What month did you go to Texas in? A We was disbanded in May I think and I got home in a few days.

Q While you were in the army where was Alfred? A I presume he was right there with the balance of my negroes.

There was none missing when I come home.

Q You found Alfred in Texas when you went home in May, '65? A May, '65.

Q Now what did you do the rest of the year '65? A We had a crop on hands there, and he just worked along with the balance of them.

Q Did you stay at home during the rest of that year? A Yes sir, I stayed at home until December, about the first I reckon.

Q First of December, '65? A Yes sir, somewhere like that.

Q Then where did you go? A I went to Shreveport and New Orleans and up to Saint Louis and then down the Mississippi to Memphis, and took a boat there and come on home, and come up the Arkansas River.

Q How long were you away? A I was gone probably thirty days.

Q Then did you remain home during the entire year of '66 after that, or were you away at any time? A I stayed right there at home with the exception of 10 or 12 days; this Joe Thompson who testified awhile ago and I come up to Red River; we was gone probably 10 days on that trip.

Q How many slaves did you have there? A I expect there was as much as 18 or 20; I would have to figure up on it; maybe more. There was a whole lot of children.

Q Now after that crop that was out when you got back in '65, was there another one planted in 1866? A Yes sir.

Q Well now of the number of slaves that you had there do you remember Alfred during all of the year of 1866 that you were at home, are you able to state that he was there all the time? A Well that's my recollection about it, I don't know I called the roll over that morning or any morning.

Q One of them might have been away? A Yes sir.

Q So you are not positive that he was there during all the time that you were there in '66? A Well I would be positive so far as all the reasonable doubts could be made.

Q But you don't absolutely remember it of your independent recollection? A That he was there every day?

Q Yes? A No sir, I couldn't say that.

Q Of course you don't know where he was when you were away? A No.

Q He did belong to you before the war? A Yes; well as a matter of fact he belonged to my wife; she had him when I married her.

Q She was a citizen of the Cherokee Nation? A She was a Cherokee.

Q And you took this Alfred Bell out during the war? A I took him out in 1861, about October.

Q Now you never saw him until the Wallace roll; you said he was trying to get on that; well he got on it didn't he? A Well I rather think he did.

Q Well then you don't know of your own personal knowledge when he did come back to the Cherokee Nation first? A No sir I don't.

COMMISSIONER HENDERS: This testimony will be filed with the testimony taken in the original case, and will be made part of the record in Freedmen B 908 and 975 and 1033

Alfred Bell (sup'1) 3

E.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

*E.D. Green*

Subscribed and sworn to before me this November 15th, 1901.

*J.C. Starr*  
Notary Public.

RECORDED  
IN THE  
OFFICE OF THE  
COMMISSIONER OF THE  
BUREAU OF INDIAN AFFAIRS  
WASHINGTON, D.C.

NOV 20 1901

Am R

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---

In the matter of the application for the enrollment of Alfred Bell, et al., as Cherokee Freedmen, consolidating the applications of--

|                      |                           |
|----------------------|---------------------------|
| Alfred Bell, et al., | Cherokee Freedmen D- 863. |
| William Bell,        | Cherokee Freedmen D- 905. |
| Nannie Derriek,      | Cherokee Freedmen D- 975. |
| Robert Bell,         | Cherokee Freedmen D-1033. |

DECISION.

---

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by Alfred Bell for himself and his six minor children, James, Earl, Lucian, Russia, Eddie and Gena Bell; by William Bell for himself; by Nannie Derriek for herself, and, among others, her brother, Robert Bell. The other parties to this application being differently classified are not embraced in this decision.

The evidence in this case shows that the applicant, Alfred Bell, was the slave of a Cherokee freedman at the commencement of the rebellion; that during said rebellion he left the Cherokee Nation, and when he returned thereto, one Harry Still was then residing in said Nation. The Commission has found in the case of Harry Still, Cherokee Freedmen 976, that the said Harry Still did not return to the Cherokee Nation within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitacre, trustee, etc., vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation; therefore, the applicant, Alfred Bell, did not return to the Cherokee Nation and establish a residence therein within the time specified in the said decree. It appears that the applicants, James Bell, Earl Bell, Lucian Bell, Russia Bell, Eddie Bell, Gena Bell, William Bell, Nannie Derriek and Robert Bell, have been born since 1866 and have no right to enrollment except such as may be possessed by their father, the said Alfred Bell.

It does not appear that any of the applicants herein are identified on the 1880 authenticated Cherokee Roll.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Alfred Bell, James Bell, Earl Bell, Lucian Bell, Russia Bell, Eddie Bell, Gena Bell, William

Bell, Hannia Derrick and Robert Bell as Cherokee freedmen should be admitted, under the provisions of section twenty-one of the act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

*Tammie Webb*

Chairman.

*T. B. Needles*

Commissioner.

*C. R. Breckinridge*

Commissioner.

*W. E. Stanley*

Commissioner.

Muskogee, Indian Territory.

this

MAR - 5 1899



9  
No. D. 905

**INDIAN TERRITORY,  
CHEROKEE NATION.**

I hereby certify that I served the with-  
in notice on.....

by delivering a true copy thereof on the  
..... day of ..... A. D. 1901

Given under my hand this .....  
day of ..... A. D. 1901.

Marshal for the Cherokee Nation.

I, the undersigned attorney for the  
within named applicant hereby accept  
service of the within notice on this the

..... day of **SEP 20 1901**, 1901.

*W. Little Smith*

Attorney for applicant.

UNITED STATES OF AMERICA, }  
INDIAN TERRITORY, } s. s.  
NORTHERN DISTRICT.

I do solemnly swear that I delivered a  
true copy of the within notice to.....

on the ..... day of ..... A. D. 1901

Subscribed and sworn to before me  
this ..... day of ..... A. D. 1901.

DEPARTMENT OF THE INTERIOR, Public.  
COMMISSION TO THE FIVE CIVILIZED TRIBES

**FILED**  
**SEP 21 1901**

*[Signature]*  
ACTING CHAIRMAN



# NOTICE!

IN THE MATTER OF the application of Wm. Bell  
for enrollment as a Cherokee citizen:

Case No. D 905

To William Bell or Mellette & Smith his Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory.  
Indian Territory, on Oct. 9th at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

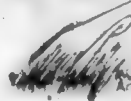
In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 18 1900

L. B. Bell  
M. M. Harrison  
Attorneys for the Cherokee Nation.

7-2905  
15  
DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

**FILED**

MAR 24 1902



Acting Chairman  
ACTING CHAIRMAN

# **NOTICE.**

## **Cherokee - Freedmen - Enrollment.**

The Commission to the Five Civilized Tribes will continue in session at

**MUSKOGEE, IND. TER.,**

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. William Bell,

Hayden, I. T.

Cherokee F-D-203

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

B

80905

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**

JUN 27 1901

 ACTING COMMISSIONER

## MEMORANDUM OF APPLICATION.

## CHEROKEE FREEDMEN.

Date

Post Office

District

1. Name

Age

Owner's name

Citizenship

Year

Page

No.

District

Parents:

Father

Citizenship

Mother

Citizenship

2. Name of wife

Age

Owner's name

Citizenship

Year

Page

No.

District

Parents:

Father

Citizenship

Mother

Citizenship

Names of Children:

3. Year Page No. Dist.

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by

Stenographer

M.

M. D. Green

X Ref 19 86 3.

Represented by McKeith and Smith.




D

Xe905

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**  
SEP 20 1901

 ACTING CHAIRMAN

COMMISSIONERS:

HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS E. NEEDLES,  
C. B. BRACKENRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, Aug 28, 1901

Received of the Commission to the Five Civilized  
Tribes one copy of the testimony in the matter of the  
application of William Bell for en-  
rollment as Cherokee Freedman.

Cherokee Freedman # 2905

William L. Smith  
Att'y for applicants

( COPY )

Refer in reply to  
the following:  
Land.  
20432-1904.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, July 9, 1904.

The Honorable,

The Secretary of the Interior.

Sir: I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes dated March 22, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen of Alfred Bell for himself and his six minor children, James, Karl, Lucian, Russia, Eddie and Cena Bell, of William Bell for himself; of Nannie Derrick for herself and her brother Robert Bell.

March 5, 1904, the Commission found that the applicants were not entitled to enrollment as Cherokee freedmen.

The record shows that the principal applicant, Alfred Bell was at the beginning of the war of the rebellion, the slave of a Cherokee resident of the State of Texas and was not residing in the Cherokee Nation. All of the other applicants have no right to enrollment except such as may be possessed by the applicant, Alfred Bell.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

A. C. Tonner  
Acting Commissioner.

M.H.H. 1 encl.  
V.

D.C. 25051-1904.

( COPY )

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

J.P.

PHH

I.T.D. 5624-1904.

July 14, 1904.

L.R.S.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

July 8, 1904, the Acting Commissioner of Indian Affairs submitted to the Department the papers in the case involving the application of Alfred Bell, for the enrollment of himself and his minor children, James, Earl, Lucian, Russia, Eddie and Cens Bell; of William Bell for himself; of Nannie Derrick for herself and her brother Robert Bell, as Cherokee freedmen.

You rejected the applicants in your decision of March 3, 1904, because it did not appear that Alfred Bell, through whom the other applicants claim, returned to the Cherokee Nation within the time specified in the treaty of 1866.

Finding no reason to disturb your decision, it is hereby affirmed, for the reasons therein stated, and not for the reason given by the Acting Commissioner, in his recommendation that your decision be concurred in, that Alfred Bell was at the beginning of the war of the rebellion the slave of a Cherokee resident of the State of Texas, and was not residing in the Cherokee Nation, which is not borne out by the testimony. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

( Signed ) Thos Ryan

1 inclosure.

Acting Secretary.

Commissioner in Charge.

Cherokee Freedmen

D-205.

Muskogee, Indian Territory, August 4, 1904.

William Bell,

Hayden, Indian Territory,

Dear Sir:

You are hereby advised that the Commission's decision dated March 5, 1904, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on July 14, 1904.

Respectfully,

Commissioner in Charge.



Cherokee Freedmen

D-905 D-975,

D-865 D-1033.

Muskogee, Indian Territory, August 4, 1904.

Hastings, Bell & Davenport,

Attorneys for the Cherokee Nation,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated March 5, 1904, in the consolidated case of Alfred Bell, et al., rejecting the applications for the enrollment of William Alfred, James, Earl, Lucian, Russia, Eddie, Cena and Robert Bell, and Manula Herrick as Cherokee freedmen, was affirmed by the Secretary of the Interior on July 14, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen

D-903 D-863 D-1033.

Muskogee, Indian Territory, August 4, 1904.

Edgar Smith,

Attorney for Alfred Bell, et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated March 5, 1904, in the consolidated case of Alfred Bell, et al., rejecting the applications for the enrollment of Alfred, James, Earl, Lucian, Russia, Eddie, Cena, William and Robert Bell as Cherokee freedmen, was affirmed by the Secretary of the Interior on July 14, 1904.

Respectfully,

Commissioner in Charge.

COPY.

Cherokee Freedmen  
D-905.

Muskogee, Indian Territory, March 22, 1904.

William Bell,

Hayden, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, rejecting, among others, your application for enrollment as a Cherokee freedman. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

*I. B. Needles.*

Register

Enc. D-55.

Commissioner in Charge.

COPY.

Cherokee Freedmen  
D, 843, 908, 978,  
1033.

Muskegee, Indian Territory, March 22,\*1904.

The Honorable,

The Secretary of the Interior.

Sirs:

There is herewith transmitted the record of proceedings had in the consolidated case of Alfred Bell, et al., including the Commission's decision dated March 5, 1904, rejecting the applications for the enrollment of Alfred Bell, James Bell, Earl Bell, Lucian Bell, Russia Bell, Eddie Bell, Cenn Bell, William Bell, Mammie Derrick and Robert Bell as Cherokee freedmen.

Respectfully,

*T.B. Needles.*

Encl. D-48

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

COPY.

Cherokee Freedmen  
D-365 et al

Muskogee, Indian Territory, March 28, 1904.

Edgar Smith,

Attorney for Alfred Bell et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, in the consolidated case of Alfred Bell et al., rejecting the applications for the enrollment of Alfred, James, Earl, Lucian, Russia, Eddie, Gene, William and Robert Bell as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

*E. B. Needles.*

Register

Enc. D-37.

Commissioner in Charge.



COPY

Cherokee Freedmen  
D, 863, 908, 978,  
1083.

Muskogee, Indian Territory, March 22, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 8, 1904, in the consolidated case of Alfred Bell, et al., rejecting the applications for the enrollment of Alfred Bell, James Bell, Earl Bell, Lucian Bell, Russia Bell, Eddie Bell, Anna Bell, William Bell, Mammie Derrick and Robert Bell as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

*I. B. Needles*

Encl. D-46

Commissioner in Charge.

Cherokee Freedmen  
R-437

Muskogee, Indian Territory, May 28, 1906.

William Bell,

Hayden, Indian Territory.

Dear Sir:-

You are hereby advised that the motion filed by  
your attorneys September 7, 1905, for a review in your Cherokee  
freedman enrollment case, was dismissed by the Department  
May 2, 1906.

Respectfully,

Commissioner.

LMC

Muskogee, Indian Territory, May 23, 1906.

Wise & Bulger,

Attorneys for Eliza A. Arnold, et al.,  
Vinita, Indian Territory.

Dear Sir:-

You are advised that this office is in receipt of departmental letter of May 2, 1906, a copy of which is enclosed herewith, denying motions filed by you September 7, 1905 for review in the Cherokee Freedmen enrollment cases of Eliza A. Arnold and others named in said letter.

Respectfully,

Commissioner.

ENC

Muskogee, Indian Territory, May 29, 1906.

Bell, Hastings & Davenport,

Attorneys for Cherokee Nation,

Vinita, Indian Territory,

Gentlemen:-

You are advised that this office is in receipt of Departmental letter of May 2, 1906, a copy of which is enclosed herewith, denying motions by Blue & Bulger, filed September 7, 1905, for review in the Cherokee Freedmen enrollment cases of Eliza A. Arnold and others named in said letter.

Respectfully,

Commissioner.

LMC

(COPY)

D.C.48317

Nov 5th 1906.

The Honorable,

The Commissioner to the Five Civilized Tribes  
Muskogee I. T.

Dear Sir:

On June 28th 1906 we filed a motion for rehearing in the consolidated Cherokee Freedmen Enrollment cases of Alfred Bell et al and at that time asked for thirty days time in which to file affidavits in support of that motion.

We have repeatedly advised the applicants to get their affidavits but they have been unable to do so and we have made diligent inquiry ourselves for testimony for them and after much inquiry we are unable to find anything that would add any strength to the case from the applicants stand point and being unable to find proper witnesses to sustain our motion for rehearing we therefore request that the motion for rehearing filed by us in this case be dismissed.

Respectfully,

Starr & Patten

JCS



Muskogee, Indian Territory, November 10, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

July 14, 1904 (I.T.D. 5884-1904), the Department affirmed the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, rejecting the applications of Alfred Bell et al., for enrollment as Cherokee Freedmen. June 25, 1904, there was filed with this office by Starr & Patten, Vinita, Indian Territory, attorneys for applicants, a motion for a rehearing in the case. Said motion is enclosed herewith.

In their letter of November 3, 1904, a copy of which letter is enclosed, attorneys for applicants advise that they "have made diligent inquiry ourselves for testimony for them" and that "we are unable to find anything that would add any strength to the case from the applicants standpoint and being unable to find proper witnesses to sustain our motion for rehearing we therefore request that the motion for rehearing filed by us in this case be dismissed."

In view of the record in the case, and the statements of attorneys for applicants, it is respectfully recommended

Secretary-8

that their request be granted, and that their motion for a re-hearing in the case of Alfred Hall et al., be dismissed.

Respectfully,

Commissioner.

Encl. 3-20

Through the Commissioner  
of Indian Affairs.

COPY

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

LAND:  
47111-1904  
99040-1904.

---

December 5, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of July 14, 1904, (I. T.D. 5624-1904), affirming the decision of the Commission to the Five Civilized Tribes, rejecting the application of Alfred Bell et al., for enrollment as Cherokee freedmen, I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated November 10, 1906, enclosing a motion for a rehearing in this case, filed June 23, 1906, by Starr & Patten, Vinita, Indian Territory, attorneys for the applicants.

There is enclosed with the Commissioner's communication copy of a letter from Starr & Patten, dated November 15, 1906, in which they say that they have repeatedly advised the applicants to get their affidavits in support of their motion, but that they have been unable to do so. The attorneys themselves having made diligent inquiry for testimony, they say they are unable to find anything that would add any strength to the case from the

standpoint of the applicants, and being unable to find proper witnesses, they request that the motion for a rehearing be dismissed.

In view of the letter of the attorneys, the Office respectfully recommends that the motion be denied.

The record in the case is transmitted herewith.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EVL-EH

D.C. 316-1907.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

Y.P.  
VHE.

I.T.D. 24530-1906.

L.R.S.

December 27, 1906.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

The motion for rehearing in the consolidated Cherokee freedman case of Alfred Bell, et al., received with your letter of November 10, 1906, and Indian Office letter of December 5, 1906 (Land 99840), is denied, in accordance with your recommendation and that of the Indian Office, and in accordance with the request of the attorneys who filed it, and because the Department finds no merit in it.

A copy of the Indian Office letter is inclosed.  
The other papers in the matter have been returned to that office.

Respectfully,

Thos Ryan

First Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

1 inc and 7 to Ind. Of.



Cherokee F.  
R437.

Muskogee, Indian Territory, January 11, 1907.

William Bell,

Hayden, Indian Territory.

Dear Sir:

You are hereby advised that the motion filed by your attorneys for a rehearing of your Cherokee freedman enrollment case, was denied by the Secretary of the Interior, December 27, 1906.

Respectfully,

LMC

Commissioner.

Charles E.  
Felt & Co.

Washing, D.C., January 24, 1901.

Dear Sirs,

Reference is made to the

Washing, D.C., January 24, 1901.

Dear Sirs

You are hereby advised that a notice for a return-  
ing in the Charles Francis Smith case of Alfred Bell,  
et al., was issued by the Secretary of the Interior, December  
27, 1900.

For your information, there is enclosed herewith  
copy of Departmental Circular referred to.

Respectfully,

W. J. Felt  
201

Enclosure.

Charles R.  
R. M.

Helena, Indian Territory, January 14, 1907.

C. R. Matthews,  
Attorney for Charles Bailey,  
Helena, Indian Territory.

Dear Sir:

You are hereby advised that a notice for a rehearing in the Cherokee Nation appellate case of Alfred Bell, et al., was issued by the Secretary of the Interior, December 27, 1906.

For your information, there is enclosed herewith copy of Departmental Decision referred to.

Respectfully,

Resd. S-46  
JH

Commissioner.



**Department of the Interior.**

**Commission to the Five Civilized Tribes,  
MUSKOGEE, IND. TER.**

**OFFICIAL BUSINESS**

**Penalty for private use, \$300.**

.Ft.

Chen Fr.R-438

Chen Fr.R-438

See Chen Fr.R-436-7-9, 1131



transcript of the testimony and proceedings in the above case.  
 copy and that same is a true and complete copy of the same  
 to the Commission to the five ratified copies of the foregoing  
 J. O. Moser, being duly sworn, says that these are stenographic

---0000000000---

Subscribed and sworn to before me this the 10th of July, 1901.  
 (Signed) T. B. Neegles, Commissioner.

(Signed) Chas. von Weizel.  
 I, the undersigned, certify that the foregoing is a true and correct transcript of the stenographic notes therein.  
 Proceedings in the above case and that the foregoing is a true  
 Commission to the five ratified copies of the foregoing  
 Chas. von Weizel, being sworn states that he stenographer to the

---0000000000---

How long since you were married was the point. Yes.  
 How old is William? Yes.  
 Where does William live? A - Close to where I am.  
 Where does William live? A - Up about the on the street corner.  
 How long since you were married? A - One.  
 Where does William live? A - With me.  
 How long since you were married? A - One.  
 Where does William live? A - With me.  
 How long since you were married? A - One.  
 Where does William live? A - With me.  
 How long since you were married? A - One.  
 Where does William live? A - With me.

DEPARTMENT OF THE INTERIOR  
 COMMISSION TO THE FIVE RATIFIED  
 SEP 7 1901

--J--

To be filed with the case of Hannie Derriek, C. F. D. #975.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
NOWATA, I.T., JUNE 25, 1901.

In the matter of the application of Alfred Bell for the enrollment of himself and six children as Cherokee freedmen.

APPEARANCES:

Mellette & Smith, attorneys for applicants;  
W. W. Hastings, of counsel for Cherokee Nation.

ALFRED BELL, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Alfred Bell.  
Q How old are you? A 51.  
Q What is your post office address? A Hayden.  
Q What district do you live in? A Cooweescoowee.  
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.  
Q Your name on any of the rolls of the Cherokee Nation? A No, sir, I reckon not, without is is the rejected roll.  
Q You never have been recognized then by the Cherokee authorities?  
A No, sir.  
Q Who do you want to enroll besides yourself? A My children.  
Q How many children have you got? A Nine.  
Q Are you married? A Yes, sir.  
Q What is your wife's name? A Missouri.  
Q How old is she? A About 50.  
Q Is she a citizen? A No, sir.  
Q She is a non-citizen is she? A Yes, sir.  
Q Well, give me the names of your children under 21 years of age and unmarried? (Hands Commissioner paper.)  
Q James, he is 20, is he? A Yes, sir.  
Q Earl, he is 18? A Yes, sir.  
Q Lucian, he is 16 is he? A Yes, sir.  
Q What is the name of the next one, Russia? A Yes, sir.  
Q How old is Russia? A 16, they are twins.  
Q The next one Eddie, 14? A Yes, sir.  
Q What is the last one's name? A Benie.  
Q Is she 12? A Yes, sir.  
Q These children all living at this time? A Yes, sir.  
Q They born and raised in the Cherokee Nation? A Yes, sir.  
Q Just six then that are under age? A Yes, sir.  
Q MR. SMITH: Mr. Bell, how old ~~xxx~~ did you say you are? A 51.  
Q Were you a slave? A Yes, sir.  
Q Who did you belong to? A Mr. Bell's wife.  
Q Which Bell? A Hookey Bell, Sabra Bell.  
Q Col. L. B. Bell's wife? A Yes, sir.  
Q Where were you living when the war commenced? A Living in the Nation, here on Beattie's Prairie.  
Q Who were you living with? A Mr. Bell and his wife.  
Q Were you taken out, or did you go out, of the Cherokee Nation during the war? A Yes, sir, they carried me south.  
Q Who married you? A Mr. Bell, my master.  
Q Where did he carry you to? A Texas.  
Q When did you return to the Cherokee Nation after the war? A '66.  
Q Where did you come to? A Fort Gibson.  
Q How long did you stay in Fort Gibson? A I didn't stay up there but about five or six days.  
Q Then where did you go? A Came up on Lightning Creek.  
Q Then how long did you live up on Lightning Creek then after moving there that time? A I lived there off and on, three years.  
Q Where do you live now? A On Lightning Creek.  
Q How long have you been living there the last time? A On

Lightning Creek?

Q Yes, sir? A I have been living there all the while.

Q I understood you to say you lived three years on Lightning Creek after you were there from Fort Gibson? A Yes, sir, I went from there where I am.

Q You are still on Lightning Creek, are you? A Yes, sir.

Q You have been living where you are now ever since you moved from the first place you went to on Lightning Creek? A Yes, sir, ever since I moved from Mr. Daniles place I went where I am, I worked here off and on until I came to where I now live.

Q All these children for whom you apply, that you have names, are they the children of yourself and your wife, Missouri Bell?

A Yes, sir.

Q Have they all been born since you and Missouri have been married and living together? A Yes, sir.

Q Are they living with you, these children? A Yes, sir, some of them are, the others are living up in the country, the oldest ones.

Q Are these children whose names you gave here, which ones are living somewhere else, if any of them are not living with you?

A They are about in the country, there are not any of them but what are in the country at this time.

Q They are all alive now? A Yes, sir.

MR. J. S. DAVENPORT, Cherokee attorney: Where were you living when the war broke out? A On Beattie's Prairie.

Q You didn't go to Texas with Mr. Bell before the war broke out?

A Yes, sir.

Q You were not living on Beattie's Prairie then when the war broke out? A Well, at the breaking out they carried me south.

Q You went south before there was any war, didn't you? A Yes, sir, the war it hadn't commenced when I went to Texas.

Q You lived there now until you saw, '66; is that when you claim you left there? A No, sir, I claim I came back here.

Q When did you leave Texas? A I left in '66.

Q What time of the year? A In the fall.

Q Now when did you go back to Texas? A I didn't go back to Texas at all.

Q Were you a married man at the time you left Texas in '66? A No, sir, I was a boy.

Q How old were you? A I was 18 years old.

Q Well, you went back to Texas then later on? A Yes, sir.

Q Well you married in Texas? A Yes, sir.

Q Now you had a child named Bob that was born in Texas, didn't you?

A No, sir.

Q One named Frank that was born in Texas? A No, sir.

Q Where was Nannie born? A They are my children.

Q Were not they born in Texas? A No, sir.

Q Where were they born? A On Lightning Creek.

Q Bob was born on Lightning Creek, was he? A Yes, sir.

Q And Nannie? A Yes, sir.

Q And Jim? A Yes, sir.

Q And Ernest? A Yes, sir.

Q Lucian was born on Lightning Creek? A Yes, sir.

Q And Russia? A Yes, sir.

Q Eddie? A Yes, sir.

Q And Genia? A Yes, sir.

Q All your children were born on Lightning Creek? A Yes, sir.

Q Lightning Creek in the Cherokee Nation, is it? A Yes, sir, Cherokee nation.

Q Did you testify before the Kern-Clifton Commission? A Yes, sir.

Q I will ask you if you didn't testify before that Commission that all your children excepting Willie were born in the State of Texas?

A I don't know whether I did or not, I might have.

Q If you did testify to that, was it true or untrue? A No, sir, they were born here.

Q When you came to Lightning Creek in '66 who did you find there?

A In '66 I found these people lives on Lightening Creek here, Mr. Whitmire's folks, Harry Still--

Q Which one of the Whitmires? A Mose.

Q Who else? A Ransome Downing.

Q Who else? A Uncle Mose and Ransome Downing I said.

Q They were the only people living in the Cherokee Nation on Lightening creek when you came back? A No, sir, they were not all there.

Q Who else were there? A Yes, sir, there were other people.

Q Who were they? A Looney Glass's folks I judge.

Q To what point on Lightening creek in the Cherokee Nation did you first return? A Over here up where I am living at near Hayden postoffice.

Q What year were you married A I married in the year '69 I believe.

Q In 1869? A Yes sir.

Q You know what County in Texas you were married in? A Grayson I believe, some of them counties.

Q How long did you live in Texas after you were married before you came to the Cherokee Nation? A I just stayed there the balance of the year, and came back to the Nation.

Q Did you come back before or after Hookey Bell came from Texas, or L. B. Bell, commonly called Hookey? A I came back before he did.

Q About how long before, or do you know? A No, sir, I don't know exact y how long before he did.

Q Where was he living before he left Texas? A Living on the old Bell place the last I knew of him.

Q That was before you married or after you married? A Before I married.

Q Then you went back to Texas and married? A Yes, sir.

Q Was Mr. Bell there when you went back? A No, sir.

Q Where did you first see Harry Still after you came back to this Country? A Near there ~~after you brought him~~ where he lived at, on a place close to Hayden post office there.

MR. HASTINGS: Was that after you brought your wife there?

A No, sir, it wasn't the first time I saw him, he was there when I came there from Daniels' place, he helped me make my place.

Q Did you make that after you married? A No, sir, before I married.

Q When you came the first time? A Yes, sir.

MR. DAVENPORT: What time did you come to Lightening Creek?

A In the spring.

Q Of what year? A In the spring of '68 I believe, I don't know exactly what year, but it was in the spring after I stepped to Daniels' to work there, and went over the next spring and took up a farm on Lightening creek.

Q How many times you been married A Once.

Q Your wife's name Mary? A Yes, sir.

Q Was she ever married before you married her? A Yes, sir.

Q What was her first husband's name? A His name was Tom Standord

Q Was he living when she married you? A No, sir, he died.

Q She was a widow? A Yes, sir.

Q You and she had been living together ever since you married?

A Yes, sir.

Q She was a citizen of the State of Texas? A Yes, sir.

Q Have you got any marriage certificate? A No, sir.

Q She is the mother of all these children? Is she? A Yes, sir.

Taking of testimony continued by Stenographer Chas/ von Weise.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and that the foregoing

is a true and complete transcript of his stenographic notes thereof.  
(Signed) Bruce C. Jones.

Sworn to and subscribed before me this the 8th of July, 1901.  
(Signed) C. R. Breckinridge,  
Commissioner.

Continued from Stenographer B. C. Jones.  
Nowata, I. T. June 28th, 1901.

By Mr. Davenport of applicant:

- Q Where did you see Fred Martin the first time after the war?  
A Fort Gibson.  
Q When was that? A In '66.  
Q What time of the year? A In the fall  
Q Who was with you then? A George Thompson.

FRED MARTIN, called and sworn as a witness for the applicant. BY MR. SMITH:

- Q What is your name? A Fred Martin.  
Q Where do you live? A On Grand river, Saline district.  
Q What is your post office? A Spavinaw.  
Q Do you know the applicant here, Alfred Bell? A Yes, sir, I have seen him.  
Q How long have you known him? A When did you first become acquainted with him? A There was a boy that was with George Thompson who came to our house, that they called Alfred, and to the best of my knowledge this is the boy.  
Q When were they at your house? A In the fall of '66.  
Q Were you a witness in the George Thompson case? A Yes, sir, I was.  
Q Where did you see him, what place? A Fort Gibson.  
Q You mean Fort Gibson, Indian Territory? A Yes, sir.  
BY MR. DAVENPORT: How old was this boy that they called Alfred that was with George Thompson the time you saw him? A A good sized boy.  
Q About how old did he look to be? A I don't know.  
Q Was he ten years old or more? A Looked to be bigger than that.  
Q How old were you then? A I am now 43 years old.  
Q That would make you about seven years old then? A 8 or 10, I thin, I was.  
Q How long were they there? A A short time.  
Q A good many people came there didn't they? A Yes, sir.  
Q You have testified as to the identify of a great many people, men, women, girls and boys that came there to your house that time haven't you? A No, sir, not many.  
Q Well you have testified as to some haven't you? A Yes, sir, all those I saw and remember.  
Q You had never seen this boy before that had you? A No, sir.

HARRY STILL, called and sworn as a witness for the applicant. By Mr. Smith:

- Q What is your name? A Harry Still.  
Q What is your post office address? A Hayden.  
Q Are you a recognized citizen of the Cherokee Nation, a freedman?  
A Yes, sir.  
Q Do you know this applicant, Alfred Bell? A Yes, sir, I know him.  
Q Do you know whether he was a slave or not before the war?  
A No, sir, I don't.



Q When did you first see him in the Cherokee Nation after the war?  
A January '66.

Q Where did you see him? A Coming to Ransom Thompson's and  
staid there a while and left there.

Q How long did he stay there? A Staid there until long in the  
summer some time.

Q Are you sure that it was in January? A Yes, sir, Ransom went  
to Fort Gibson and when he come back this man came with him.

Q Do you know where this applicant lives now? A Yes, sir.

Q How far is it from you? A Adjoining places with me.

Q How long has he lived there? A It has been--he started a claim  
there the same spring he came there and lived there several years  
and then left; he lives there now.

BY DAVENPORT: You saw this fellow at Ransom Thompson's place  
in January, '66? A Yes, sir.

Q And you have been seeing him ever since in the country?

A No, sir, not all the time.

Q You don't know who his master was? A No, sir.

Q You don't know when he moved back to the Nation to live?

A I know I saw him in January, '66.

Q You didn't get back yourself until August '66 did you?

A I got back here in '65 and '66 both.

Q You wasn't here in the Cherokee Nation in January '66 were you?

A Of course I was.

Q You got back in January and saw him in January, '66?

A I got back the last part.

Q Of January? A Of '66.

Q Where was Alfred's family when you saw him in '66? A Didn't  
have any.

Q When did he bring his family, did you see them? A Yes, sir,  
I saw them, the next time I saw him.

Q How long after you saw him first did you see his family?  
A 4, 5 or 6 years.

Q He didn't continue to reside there in that community in '66?

A No, sir, he came there and staid a while and left the then came  
back again and he had his family with him then.

Q How many children had he when he returned? A Didn't have any,  
might have had William.

Q Was his children all born on Lightning Creek in the Cherokee  
Nation? A I think they was.

Q How far did he live from you then? A I guess he lived about  
4 miles from my place first and now we has adjoining places.

BY SMITH: You said something a while ago about coming back  
here in the last part of '66 and of seeing this man in January of  
'66 what do you mean by that? A I made three trips here, the  
first one was in the spring of '65, and the second one was in the  
spring of '66 and the last one was in the fall of '66.

Q You came here the second time in the spring of '66? A Yes, sir.

Q Then you were not here in January, of '66? A No, sir, I come  
to Fort Gibson in '65, and then come here in the first part of '66

Q Then you were not here in January of '66? A No, sir; I come to  
Fort Gibson in '65 and then come here in the first part of '66 and  
then came again in the fall of '66, I made three trips.

Q Then what time of the year was it that you saw this boy in '66?

A The last part.

Q Now let me understand you right, when did this man Alfred Bell  
come there to where you saw him in '66, was it before or after your  
third and last trip? A It was after.

Q What made you say that it was in January then? A I should have  
said the last part of '66.

BY COM'R NEEDLES: If you did say that it was in January '66  
it was a lapsus linguae was it? A Yes, sir.

JOHN LANDRUM, called and sworn as a witness for the applicant: By Mr. Smith:

- Q What is your name? A John or Jack Landrum.  
Q Where do you reside? A Hayden.  
Q Do you know the applicant, Alfred Bell? A Yes, sir.  
Q Did you know him before the war? A Yes, sir.  
Q Was he a slave? A Yes, sir.  
Q Who did he belong to? A They said Holley Bell owned him, I don't know if it was him or his wife that owned him.  
Q When did you first see this applicant, Alfred Bell, in the Cherokee Nation after the war? A After the war I seed him on Salt Creek.  
Q Where is Salt Creek? A This side of Lightning, 5 or 6 miles.  
Q Is it in the Cherokee Nation? A Yes, sir.  
Q When was it that you saw him there? A In '67, it was so said.  
Q Do you know when time of the year it was? A No, sir, I don't remember.  
Q What months it was, I did have it in my mind but I just forget it.  
Q You don't know how long he had been there? A No, sir.

BY COM'R NEEDLES: Alfred Bell applies for himself and six children; his name cannot be identified on the roll of 1880 or on any of the rolls in the possession of the Commission, neither can the names of his children be found thereon. He avers that he was a slave in the Cherokee Nation before the war, was taken out of the Cherokee Nation and returned in 1866; he avers that he married in Texas, his wife Missouri being a non-citizen. He makes no proof of his marriage, and it will be necessary for him to file proof of his marriage in the shape of a certified copy of the marriage record, and also satisfactory proof of the birth of his children. Now he and his six children as named in the testimony will be listed for enrollment as Cherokee freedmen on a doubtful card, and he will be notified by mail of the final decision of the Commission.

#### ADDITIONAL TESTIMONY.

By Mr. Smith of John Landrum:

- Q How far do you live from the applicant? A About two and a half miles.  
Q Have you ever been to his house? A Yes, sir.  
Q Do you know his wife? A Yes, sir.  
Q Are they living together as man and wife? A Yes, sir.  
Q How long have they been living as man and wife? A Ever since they came there.  
Q Are they received in the community as man and wife? A Yes, sir.  
BY HASTINGS: When did they come there as man and wife?  
A She came there when he came up there on Salt Creek the second time, he came first by himself.  
Q When did his wife come? A She came the latter part of '67.  
Q Did they have any children when they came? A Yes, sir.  
Q How many? A Oh no sir, they didn't have none then.  
Q He brought his wife there in the latter part of '67 did he?  
A Yes, sir.  
Q That was in the Cherokee Nation? A Yes, sir.  
BY COM'R NEEDLES: Do you know this man's children? A Yes, sir.  
Q Were they all born in the Cherokee Nation? A Yes, sir, I guess so.

BY SMITH OF THE APPLICANT:

- Q Give me the names of your children older than James? A Will, Bob and Fannie.

- Q Is Hannie married? A Yes, sir.  
Q What is her name now? A Dirks.  
Q Where does she live? A With me.  
Q Has she any children? A One.  
Q What is its name? A Lucian Dirks.  
Q Where does Robert live? A Up about me on Lightning creek,  
Cherokee Nation.  
Q Where does William live? A Close to where I am.  
Q Are they married? A Will has been.  
BY HASTINGS: How old is Will? A 28.  
Q How long after you were married was he born? A Year.

---CO---

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.  
(Signed) Chas. von Weise.

Subscribed and sworn to before me this the 10th of July, 1901.  
(Signed) T. B. Needles,  
Commissioner.

---ooo000ooo---

J. O. Rosson, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript of the testimony and proceedings in the above case.

Subscribed

Subscribed and sworn to before me this September 6th, 1901.

*T. B. Needles*  
Commissioner.

70915

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
**FILED**  
JUL 20 1901



ACTING CHAIRMAN



STRAIGHT as to child Lucien!

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
NOWATA, I.T., JULY 1st, 1901.

In the matter of the application of Nannie Derick for the enrollment of herself and one child as Cherokee Freedmen; said Derick being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Nannie Derick.  
Q What is your age? A 28.  
Q What is your post office? A Hayden.  
Q What district do you live in? A Cooweesawsee.  
Q Do you apply to be enrolled as a Cherokee Freedman?  
A Yes, sir.  
Q Do you want to enroll anybody besides yourself?  
A One boy, my son.  
Q What is his name? A Lucien Derick.  
Q How old is it? A Four years old.  
Q What is your father's name? A Alfred Bell.  
Q What is your mother's name? A Missouri Bell.  
Q Are they living? A Yes, sir.  
Q Father and mother both Cherokee Freedmen? A My father is.  
Q Do you claim citizenship through your father? A Yes, sir.  
Q Are you married? A Yes, sir.  
Q What is your husband's name? A David Derick, he is enrolled David Whitmire.  
Q Is your husband alive? A Yes, sir.  
Q Are you living together? A Not sir.  
Q You claim your citizenship through your father? A Yes, sir.  
Q Is your name on any of the rolls of the Cherokee Nation?  
A Yes, sir.  
Q On what roll? A Wallace roll and K. C. roll.

The Tribal Rolls of Freedmen of the Cherokee Nation examined and name of applicant not found thereon.

- Q Is your husband's name on the roll of 1880? A Yes, sir.  
Q Well, have you any proof of marriage between yourself and your husband? A Yes, sir.  
Q What proof have you got; have you got a marriage certificate?  
A No, sir, but I have witnesses here that seen me married.  
Q Did your husband enroll this child when he was enrolled?  
A No, sir.  
Q Who married you? A Jesse Rowe.  
Q Is he living? A Yes, sir.  
Q Is he present? A No, sir; I don't think he is.  
Q Well, what proof of marriage have you got? (No response.)  
Q This child of yours is Dave Whitmire's child? A Yes, sir.  
Q Have you ever been married to anybody but him? A No, sir.  
Q He is on the roll as Whitmire and you say his name is Derick? (No response.)  
Q Your husband came here and swore that his name was Whitmire?  
(Said to have lived with Moses Whitmire and enrolled under that name, but name of his father said to be Derick.)

HARRY STILL, being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Harry Still.  
Q What is your age? A 54.  
Q Do you know the applicant here, Nannie Derick? A Yes, sir.  
Q Do you know her husband? A Yes, sir.  
Q What is her husband? A Dave Whitmire is the way he was enrolled; his daddy's name is Ed Derick.  
Q Do you know whether they were married or not?  
A Yes, sir, I was at their wedding.  
Q When was that? A It has been four or five years ago.



Nannie Derick, et al.--2.

- Q Have they been living together as man and wife since that time?  
A They did live together, they have parted.  
Q When? A I think it has been little over a year, or perhaps two years.  
Q Did they have any children while they were living together?  
A Yes, sir, they have got one child I think.  
Q Was it born while they were living together as man and wife?  
A Yes, sir; little boy.  
Q Who has custody of that child now? A This girl's mother has it at her house.

NANNIE DERICK, the Applicant, recalled:

- Q Was this child, Lucien, born while you were living with your husband? A Yes, sir.  
Q Did you have any since? A No, sir.  
Q Did you ever have any before? A No, sir.  
Q You are not married since you separated from your husband?  
A No, sir.  
Q Has your husband married again? A No, sir.

HARRY STILL, recalled: BY MR. J. B. DAVENPORT, Cherokee Representative

- Q Was Ed Derick the citizen of the mother? A It was the mother of Dave that was on the 1880 roll  
Q Was the mother or father of Dave Derick a Freedman?  
A Beth, Mary was a Cherokee Freedman and so was Ed.

BY COM'R NEEDLES:

- Q Do you know this fellow? A Yes, sir.  
Q If you see him tell him he had better come in and straighten up his enrollment. A All right.

NANNIE DERICK, the Applicant, recalled:

- Q You have been born and raised in the Cherokee Nation have you?  
A Yes, sir.  
Q You claim your citizenship through your father do you?  
A Yes, sir.  
Q You never drew any money? A No, sir.

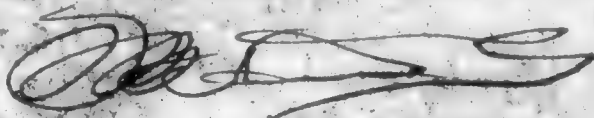
COM'R NEEDLES: Nannie Derick applies for the enrollment of herself and her child, Lucien. She cannot be identified upon any of the rolls of the Cherokee Nation. She avers that her name is not upon any of the rolls of the Cherokee Nation and upon examination of the rolls her name cannot be found. She avers that she is the child of Alfred Bell, who was listed for enrollment on doubtful card #664, and the testimony taken in the matter of the enrollment of Alfred Bell will be made part of the record in the case at bar and copy thereof filed herewith. She makes satisfactory proof as to residence. She avers that she was married to one Dave Whitmire or Dave Derick; said Dave Derick is now enrolled on a straight card #1066 as Dave Whitmire, that having been the name he is enrolled upon the authenticated roll of 1880. She avers that she has one child named Lucien, and she makes satisfactory proof that her child was born while she and her husband were living together as man and wife, and that she is now separated from him. Nannie Derick will be listed for enrollment as a Cherokee Freedman upon a doubtful card. Her said child, Lucien Derick will be listed for enrollment as a Cherokee Freedman, by reason of the fact of the father, David, being found upon the authenticated roll of 1880. It will be necessary for her to make satisfactory proof as to the birth of her child.

Hannie Derick, et al.

J. O. Hossen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

*J. O. Hossen*

Subscribed and sworn to before me this 17th day of July, 1901.



Commissioner.

Attest: Bell (sup. 1) 3

J. B. Green, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes taken thereat.

*M. B. Green*

Subscribed and sworn to before me this 10th day of November, 1905.

Notary Public

NOV 26 1905  
MAILED 10  
COMMUNICATION TO THE CHIEF OF THE BUREAU  
DEPARTMENT OF THE INTERIOR

RECEIVED  
NOV 26 1905  
DEPARTMENT OF THE INTERIOR

30000

File with C.F. D-385, Emma Parriek.

SUPPLEMENTAL: C.F. D-383.

Department of the Interior,  
Commissioner of the Cherokee Nation,  
Vinita, I.T., October 2, 1901.

In the matter of the application of Alfred Bell, et al for  
enrollment as Cherokee Freedmen.

Appearances:

Mr. Smith, of Hallett & Smith, attorneys for applicants;  
Mr. V.W. Hastings, of attorneys for Cherokee Nation.

L. B. BELL, being sworn by Commissioner Needles, testified  
as follows:

BY MR. HASTINGS:

- Q What is your name? A L. B. Bell, 32, Vinita.
- Q Are you a Cherokee citizen by blood? A Yes sir.
- Q Did you or your family, prior to and up to the war own a  
slave by the name of Alfred Bell? A Yes sir. I did, and my wife,  
or rather belonged to my wife.
- Q Mr. Alfred Bell who applied for enrollment as a citizen at  
Nowata? A Same Freedman.
- Q Where were you living in 1865 or '6 after the war? A Why I was  
living in Rusk County, Texas, on a farm.
- Q Now where was this Alfred Bell in '65 and '66? A He was there  
on my farm.
- Q Was he there during the entire year of '66? A Well he was I  
reckon, I farmed there that year and had him on the place; he might  
have quit me sometime along about Christmas of that '66; I know he  
did when that terminated, went off and rented a farm somewhere  
else; I was breaking up to move back to the Cherokee Nation then,  
in '67.
- Q Well when did you come back? A I left there in March, 1867.
- Q Where was Alfred Bell at that time? A Well Alfred had under-  
stood I on him had rented some land near by there, I don't know,  
mile or two away from there, probably further.
- Q We say he had lived with you through the year of '66 clean up until  
Christmas? A Yes sir, up about that time. The year went out  
there with them you know when Christmas came; we didn't do no more  
work after that time; the first of January was generally understood  
to be the first of the year though.
- Q You mean by that the first of January, 1867? A Yes, the first of  
January of any year.
- Q Well after he left you in '66 in the spring of '67 did you hear  
of Alfred Bell making a long trip up to the Cherokee Nation before  
you left down there? A No, I never heard of anything of that sort.
- Q Did you ever see Alfred Bell since you came up here? A Yes, I  
think the first time I met Alfred was over there at the Wallace  
roll; I don't have a distinct recollection of the time, but I am  
satisfied of that, because the Clifton roll was the next time I saw  
him.
- Q Where was he living when the Wallace roll was made? A Well he  
was just here trying to get on that roll.
- Q You know where he came from then? A I could not recall exactly  
whether he told me he was just from Texas or not; he told me though  
he had married and had a good big bunch of children.
- Q You hadn't seen him in this country before that? A No sir, I  
hadn't seen him here, nor heard of him being here.
- Q Had he married when he left you? A No. Alfred was probably  
18 or 20 years old when I saw him turned him loose.
- BY MR. SMITH:
- Q Mr. Bell, where were you when the war closed? A I was up near  
Rogers Depot in the Cherokee Nation.



Alfred Bell et al (sup'1) 2

- Q How long before you reached Rusk County, Texas? A How long before I got home?
- Q Yes? A After we disbanded it took me about two days and a half to ride home.
- Q What month did you go to Texas in? A We was disbanded in May I think and I got home in a few days.
- Q While you were in the army where was Alfred? A I presume he was right there with the balance of my negroes.
- Q There was none missing when I come home.
- Q You found Alfred in Texas when you went home in May, '65? A May, '65.
- Q Now what did you do the rest of the year '65? A We had a crop on ~~land~~ there, and he just worked along with the balance of them.
- Q Did you stay at home during the rest of that year? A Yes sir, I stayed at home until December, about the first I reckon.
- Q First of December, '65? A Yes sir, somewhere like that.
- Q Then where did you go? A I went to Shreveport and New Orleans and up to Saint Louis and then down the Mississippi to Memphis, and took a boat there and come on home, and come up the Arkansas River.
- Q How long were you away? A I was gone probably thirty days.
- Q Then did you remain home during the entire year of '66 after that, or were you away at any time? A I stayed right there at home with the exception of 10 or 12 days; this Jos Thompson who testified awhile ago and I come up to Red River; we was gone probably 10 days on that trip.
- Q How many slaves did you have there? A I expect there was as much as 18 or 20; I would have to figure up on it; maybe more.
- Q There was a whole lot of children?
- Q Now after that crop that was out when you got back in '65, was there another one planted in 1866? A Yes sir.
- Q Well now of the number of slaves that you had there do you remember Alfred during all of the year of 1866 that you were at home, are you able to state that he was there all the time? A Well that's my recollection about it; I don't know I called the roll over that morning or any morning.
- Q One of them might have been away? A Yes sir.
- Q So you are not positive that he was there during all the time that you were there in '66? A Well I would be positive so far as all the reasonable doubts could be made.
- Q But you don't absolutely remember it of your independent recollection? A That he was there every day?
- Q Yes? A No sir, I couldn't say that.
- Q Of course you don't know where he was when you were away? A No.
- Q He did belong to you before the war? A Yes; well as a matter of fact he belonged to my wife; she had him when I married her.
- Q She was a citizen of the Cherokee Nation? A She was a Cherokee.
- Q And you took this Alfred Bell out during the war? A I took him out in 1861, about October.
- Q Now you never saw him until the Wallace roll; you said he was trying to get on that; well he got on it didn't he? A Well I rather think he did.
- Q Well then you don't know of your own personal knowledge when he did come back to the Cherokee Nation first? A No sir I don't.
- COMMISSIONER WOODLES: This testimony will be filed with the testimony taken in the original case, and will be made part of the record in Freedmen 2 626 and 975 and 1031



Alfred Bell (sup'1) 1

E. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

*E. D. Green*

Subscribed and sworn to before me this November 15th, 1901.

*J. C. Starr*  
Notary Public.

NOV 15 1901  
RECEIVED  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
AT WASHINGTON

Pmm R

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Alfred Bell, et al., as Cherokee Freedmen, consolidating the applications of--

|                      |                           |
|----------------------|---------------------------|
| Alfred Bell, et al., | Cherokee Freedmen D- 863. |
| William Bell,        | Cherokee Freedmen D- 905. |
| Nannie Derrick,      | Cherokee Freedmen D- 975. |
| Robert Bell,         | Cherokee Freedmen D-1038. |

DECISION.

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by Alfred Bell for himself and his six minor children, James, Earl, Lucian, Russia, Eddie and Cens Bell; by William Bell for himself; by Nannie Derrick for herself, and, among others, her brother, Robert Bell. The other parties to this application being differently classified are not embraced in this decision.

The evidence in this case shows that the applicant, Alfred Bell, was the slave of a Cherokee freedman at the commencement of the rebellion; that during said rebellion he left the Cherokee Nation, and when he returned thereto, one Harry Still was then residing in said Nation. The Commission has found in the case of Harry Still, Cherokee Freedmen 876, that the said Harry Still did not return to the Cherokee Nation within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation; therefore, the applicant, Alfred Bell, did not return to the Cherokee Nation and establish a residence therein within the time specified in the said decree. It appears that the applicants, James Bell, Earl Bell, Lucian Bell, Russia Bell, Eddie Bell, Cens Bell, William Bell, Nannie Derrick and Robert Bell, have been born since 1866 and have no right to enrollment except such as may be possessed by their father, the said Alfred Bell.

It does not appear that any of the applicants herein are identified on the 1880 authenticated Cherokee Roll.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Alfred Bell, James Bell, Earl Bell, Lucian Bell, Russia Bell, Eddie Bell, Cens Bell, William

Bell, Hannie Derrick and Robert Bell as Cherokee freedmen should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1896, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

*Tamm*  
\_\_\_\_\_  
Chairman.  
  
*T. B. Nease*  
\_\_\_\_\_  
Commissioner.  
  
*C. R. Brinkley*  
\_\_\_\_\_  
Commissioner.  
  
*W. E. Stanton*  
\_\_\_\_\_  
Commissioner.

Enskogee, Indian Territory.  
this MAR - 5 1901

D

File 973-

No. D \_\_\_\_\_

INDIAN TERRITORY,  
CHEROKEE NATION.

I hereby certify that I served the with-  
in notice on \_\_\_\_\_

by delivering a true copy thereof on the  
\_\_\_\_\_ day of \_\_\_\_\_ A. D. 1901

Given under my hand this \_\_\_\_\_  
day of \_\_\_\_\_ A. D. 1901.

\_\_\_\_\_  
Marshal for the Cherokee Nation.

I, the undersigned attorney for the  
within named applicant hereby accept  
service of the within notice on this the  
\_\_\_\_\_ day of \_\_\_\_\_, 1901.

\_\_\_\_\_  
Attorney for applicant.

UNITED STATES OF AMERICA, }  
INDIAN TERRITORY, } s. s.  
NORTHERN DISTRICT.

I do solemnly swear that I delivered a  
true copy of the within notice to \_\_\_\_\_

\_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ A.D. 1901

Subscribed and sworn to before me  
this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 1901.

\_\_\_\_\_  
Notary Public.  
DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED  
SEP 25 1901

SEP 18 1901

# NOTICE!

IN THE MATTER OF the application of Hannie Darriek  
for enrollment as a Cherokee citizen:

Case No. D 275

To Hannie Darriek Hayden I. F.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory.  
Indian Territory, on Oct. 9th 12.0'clock A.M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 18 1901

L B Bell  
M. W. Hastings  
Attorneys for the Cherokee Nation.



# AFFIDAVIT.

UNITED STATES OF AMERICA, }  
INDIAN TERRITORY, } ss  
NORTHERN DISTRICT.

In the matter of the application of Nannie  
Henrick for enrollment as a Cherokee Freedman.

No. F. D. 975

Henry Pack, of lawful age, being duly sworn on  
oath states that on the 18th day of September, A. D., 1901, he registered  
to Nannie Henrick whose postoffice is Hayden

Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto  
attaches the receipt of the Postmaster at Fort Gibson Indian Territory;  
and that on the 25th day of September, 1901, he received the return  
card which is hereto attached, signed by the said Nannie Henrick, showing  
that he had received said notice.

Subscribed and sworn to before me on this the 25th day of Sept, A. D. 1901.

Henry Pack  
J. C. Starr

Notary Public.

*4* *910 975*  
COMMISSION TO THE FIVE CIVILIZED TRIBES

**FILED**

MAR 24 1902

*[Signature]*

ACTING CHAIRMAN

# **NOTICE.**

## **Cherokee - Freedmen - Enrollment.**

The Commission to the Five Civilized Tribes will continue in session at

**MUSKOGEE, IND. TER.,**

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Nannie Derriok,

Hayden, I. T.

Cherokee F-D-975

Registrar.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

12

3D975

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
FILED  
JUL 1 1901



ACTING CHAIRMAN

**CHEROKEE FREEDMEN.**

Date May 1, 1901  
Post Office Hayden, T.  
District 10

**Parents:**

Mother \_\_\_\_\_ Citizenship \_\_\_\_\_

Year ..... Page ..... No ..... District .....

**Parents:**

Mother Mrs. S. M. Jones ..... Citizenship .....

**Names of Children:**

12. Year Page No. Dist. 66

Application made by W. J. Ross Stenographer W. J. Ross

Stenographer *H. Rosson*

X Ref. D 86 B  
X Ref.



COPY.

Cherokee Freedmen  
D-975, D-1033.

Muskogee, Indian Territory, March 22, 1904.

Hannie Derrick,

Hayden, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the record of proceedings had in the consolidated case of Alfred Bell et al., together with a copy of the Commission's decision, dated March 5, 1904, rejecting, among others, your application for the enrollment of yourself and your brother, Robert Bell, as Cherokee freedmen. Edgar Smith, Vinita, Indian Territory, attorney for Robert Bell, has heretofore been furnished with a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

*T. B. Needles.*

Register

Enc. D-36.

Commissioner in Charge.

COPY.

Cherokee Freedmen  
D, 843, 905, 975,  
1033.

Waukegon, Indian Territory, March 22, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Alfred Bell, et al., including the Commission's decision dated March 5, 1904, rejecting the applications for the enrollment of Alfred Bell, James Bell, Earl Bell, Lucian Bell, Russia Bell, Eddie Bell, Cens Bell, William Bell, Fannie Derrick and Robert Bell as Cherokee freedmen.

Respectfully,

*L. B. Needles.*

Encl. D-48

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

COPY

Cherokee Freedmen  
B. 961, 906, 978,  
1051.

Muskogee, Indian Territory, March 22, 1904.

W. V. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 3, 1904, in the consolidated case of Alfred Bell, et al., rejecting the applications for the enrollment of Alfred Bell, James Bell, Earl Bell, Lucian Bell, Russia Bell, Edie Bell, Oena Bell, William Bell, Mamie Derrick and Robert Bell as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Encl. D-46

Commissioner in Charge.

( COPY )

Refer in reply to  
the following:  
Land.  
20432-1904.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, July 9, 1904.

The Honorable,

The Secretary of the Interior.

Sir: I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes dated March 22, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen of Alfred Bell for himself and his six minor children, James, Karl, Lucian, Russia, Eddie and Cena Bell, of William Bell for himself; of Nannie Derrick for herself and her brother Robert Bell.

March 5, 1904, the Commission found that the applicants were not entitled to enrollment as Cherokee freedmen.

The record shows that the principal applicant, Alfred Bell was at the beginning of the war of the rebellion, the slave of a Cherokee resident of the State of Texas and was not residing in the Cherokee Nation. All of the other applicants have no right to enrollment except such as may be possessed by the applicant, Alfred Bell.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

M.H.M. 3 encl.

A. C. Tonner  
Acting Commissioner.

D.C. 25081-1904.

( COPY )

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

J.P.

FHE

I.T.D. 5624-1904.

July 14, 1904.

L.R.S.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

July 9, 1904, the Acting Commissioner of Indian Affairs submitted to the Department the papers in the case involving the application of Alfred Bell, for the enrollment of himself and his minor children, James, Earl, Lucian, Russia, Eddie and Cena Bell; of William Bell for himself; of Nannie Derrick for herself and her brother Robert Bell, as Cherokee freedmen.

You rejected the applicants in your decision of March 5, 1904, because it did not appear that Alfred Bell, through whom the other applicants claim, returned to the Cherokee Nation within the time specified in the treaty of 1866.

Finding no reason to disturb your decision, it is hereby affirmed, for the reasons therein stated, and not for the reason given by the Acting Commissioner, in his recommendation that your decision be concurred in, that Alfred Bell was at the beginning of the war of the rebellion the slave of a Cherokee resident of the State of Texas, and was not residing in the Cherokee Nation, which is not borne out by the testimony. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

( Signed ) Thos Ryan

1 inclosure.

Acting Secretary.



Cherokee Freedmen

D-975 D-1053.

Muskogee, Indian Territory, August 4, 1904.

Minnie Derrick,

Hayden, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated March 5, 1904, rejecting, among others, your application for the enrollment of yourself and your brother, Robert Bell, as Cherokee freedmen, was affirmed by the Secretary of the Interior on July 14, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen

D-902 D-975.

D-863 D-1033.

Muskogee, Indian Territory, August 4, 1904.

Hastings, Bell & Davenport,

Attorneys for the Cherokee Nation,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated March 5, 1904, in the consolidated case of Alfred Bell, et al., rejecting the applications for the enrollment of William Alfred, James, Earl, Lucian, Russia, Eddie, Cema and Robert Bell, and Nannie Derrick as Cherokee freedmen, was affirmed by the Secretary of the Interior on July 14, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen

D-905 D-963 D-1032

Muskogee, Indian Territory, August 4, 1904.

Wagar Smith,

Attorney for Alfred Bell, et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated March 8, 1904, in the consolidated case of Alfred Bell, et al., rejecting the applications for the enrollment of Alfred, James, Earl, Lucian, Russia, Eddie, Cene, William and Robert Bell as Cherokee freedmen, was affirmed by the Secretary of the Interior on July 14, 1904.

Respectfully,

Commissioner in Charge.

(COPY)

D.C.48317

Nov 5th 1906.

The Honorable,

The Commissioner to the Five Civilized Tribes

Muskogee I. T.

Dear Sir:

On June 25th 1906 we filed a motion for rehearing in the consolidated Cherokee Freedmen Enrollment cases of Alfred Bell et al and at that time asked for thirty days time in which to file affidavits in support of that motion.

We have repeatedly advised the applicants to get their affidavits but they have been unable to do so and we have made diligent inquiry ourselves for testimony for them and after much inquiry we are unable to find anything that would add any strength to the case from the applicants stand point and being unable to find proper witnesses to sustain our motion for rehearing we therefore request that the motion for rehearing filed by us in this case be dismissed.

Respectfully,

Starr & Patten.

JCS

Muskogee, Indian Territory, November 10, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

July 14, 1904 (I.T.D. 5624-1904), the Department affirmed the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, rejecting the applications of Alfred Hall et al., for enrollment as Cherokee Freedmen. June 25, 1906, there was filed with this office by Starr & Patten, Vinita, Indian Territory, attorneys for applicants, a motion for a rehearing in the case. Said motion is enclosed herewith.

In their letter of November 3, 1906, a copy of which letter is enclosed, attorneys for applicants advise that they "have made diligent inquiry ourselves for testimony for them" and that "we are unable to find anything that would add any strength to the case from the applicants standpoint and being unable to find proper witnesses to sustain our motion for rehearing we therefore request that the motion for rehearing filed by us in this case be dismissed."

In view of the record in the case, and the statements of attorneys for applicants, it is respectfully recommended



Secretary-2

that their request be granted, and that their motion for a re-hearing in the case of Alfred Bell et al., be dismissed.

Respectfully,

Commissioner.

Encl. B-29

Through the Commissioner  
of Indian Affairs.

COPY

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

LANE:  
47111-1904  
98840-1906.

December 5, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of July 14, 1904, (I. T.D. 5624-1904), affirming the decision of the Commission to the Five Civilized Tribes, rejecting the application of Alfred Ball et al., for enrollment as Cherokee freedmen, I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated November 10, 1906, enclosing a motion for a rehearing in this case, filed June 25, 1906, by Starr & Patten, Vinita, Indian Territory, attorneys for the applicants.

There is enclosed with the Commissioner's communication copy of a letter from Starr & Patten, dated November 15, 1906, in which they say that they have repeatedly advised the applicants to get their affidavits in support of their motion, but that they have been unable to do so. The attorneys themselves having made diligent inquiry for testimony, they say they are unable to find anything that would add any strength to the case from the

standpoint of the applicants, and being unable to find proper witnesses, they request that the motion for a rehearing be dismissed.

In view of the letter of the attorneys, the Office respectfully recommends that the motion be denied.

The record in the case is transmitted herewith.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EVL-EH

D.C. 612-1907.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

Y.P.  
THE.

I.T.D. 24530-1906.

L.H.S.

December 27, 1906.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

The motion for rehearing in the consolidated Cherokee freedman case of Alfred Bell, et al., received with your letter of November 10, 1906, and Indian Office letter of December 5, 1906 (Land 98840), is denied, in accordance with your recommendation and that of the Indian Office, and in accordance with the request of the attorneys who filed it, and because the Department finds no merit in it.

A copy of the Indian Office letter is inclosed.  
The other papers in the matter have been returned to that office.

Respectfully,

Thos Ryan

First Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

1 inc and 7 to Ind. Of.

Cherokee F.  
R 438.

Muskogee, Indian Territory, January 11, 1907.

Hannie Derrick,  
Hayden, Indian Territory.

Dear Madam:

You are hereby advised that the motion filed by  
your attorneys for a rehearing of your Cherokee freedman enroll-  
ment case, was denied by the Secretary of the Interior, December  
27, 1906.

Respectfully,

LMC

Commissioner.



Cherokee F.  
R 436 et al.

Muskogee, Indian Territory, January 14, 1907.

Starr & Patten,  
Attorneys for Alfred Bell, et al.,  
Vinita, Indian Territory.

Dear Sirs:

You are hereby advised that a motion for a rehearing in the Cherokee freedmen enrollment case of Alfred Bell, et al., was denied by the Secretary of the Interior, December 27, 1906.

For your information, there is enclosed herewith copy of Departmental decision referred to.

Respectfully,

Encl. N-17  
JMK

Commissioner.

Cherokee F.  
R 436 et al.

Muskogee, Indian Territory, January 14, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that a motion for a rehearing in the Cherokee freedmen enrollment case of Alfred Bell, et al., was denied by the Secretary of the Interior, December 27, 1906.

For your information, there is enclosed herewith copy of Departmental decision referred to.

Respectfully,

Encl. N-18  
JMR

Commissioner.

Cher.Fr.R- 439

See Cher.Fr.R-436-7-8

Cher.Fr.R-439

BY COM'R NEEDLES: Do you know this man's children?

A Yes, sir.

Q Were they all born in the Cherokee Nation? A Yes, sir, I guess so.

BY SMITH OF THE APPLICANTS:

Q Give me the names of your children older than James? A Will, Bob and Nannie.

Q Is Nannie married? A Yes, sir.

Q What is her name now? A Dirks.

Q Where does she live? A With me.

Q Has she any children? A One.

Q What is its name? A Lucian Dirks.

Q Where does Robert live? A Up about me on Lightning Creek, Cherokee Nation.

Q Where does William live? A Close to where I am.

Q Are they married? A Will has been.

BY HASTINGS: How old is Will? A 25.

Q How long after you were married was he born? A A year.

Chas. von Weise, being sworn states that as stenographer to the commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(Signed) Chas. von Weise.

Subscribed and sworn to before me this the 10th of July, 1901.

(Signed) T. M. Needles,

Commissioner.

---00000000---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

To be filed with case of Robert Bell, C.F.D. #1033.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
NOVATA, I.T., JUNE 25, 1901.

In the matter of the application of Alfred Bell for the enrollment of himself and six children as Cherokee freedmen.

APPEARANCES:

Mellette & Smith, attorneys for applicants;  
W. W. Hastings, of Counsel for Cherokee Nation.

ALFRED BELL, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Alfred Bell.  
Q How old are you? A 51.  
Q What is your post office address? A Hayden.  
Q What district do you live in? A Cooweescoowee.  
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.  
Q Your name on any of the rolls of the Cherokee Nation?  
A No, sir, I reckon not, without it is the rejected roll.  
Q You never have been recognized then by the Cherokee Authorities?  
A No, sir.  
Q Who do you want to enroll besides yourself? A My children.  
Q How many children have you got? A Nine.  
Q Are you married? A Yes, sir.  
Q What is your wife's name? A Missouri.  
Q How old is she? A About 50.  
Q Is she a citizen? A No, sir.  
Q She is a non-citizen is she? A Yes, sir.  
Q Well, give me the names of your children under 21 years of age and unmarried? (hands Commissioner paper.)  
Q James, he is 20, is he? A Yes, sir.  
Q Earl, he is 18? A Yes, sir.  
Q Lucian, he is 16 is he? A Yes, sir.  
Q What is the name of the next one, Russia? A Yes, sir.  
Q How old is Russia? A 16, they are twins.  
Q The next one Eddie, 14? A Yes, sir.  
Q What is the last one's name? A Senie.  
Q Is she 12? A Yes, sir.  
Q These children all living at this time? A Yes, sir.  
Q They born and raised in the Cherokee Nation? A Yes, sir.  
Q Just six then that are under age? A Yes, sir.  
Q MR. SMITH: Mr. Bell, how old did you say you are? A 51.  
Q Were you a slave? A Yes, sir.  
Q Who did you belong to? A Mr. Bell's wife.  
Q Which Bell? A Hookey Bell, Sabra Bell.  
Q Col. L. B. Bell's wife? A Yes, sir.  
Q Where were you living when the war commenced? A Living in the Nation, here on Beattie's Prairie.  
Q Who were you living with? A Mr. Bell and his wife.  
Q Were you taken out, or did you go out, of the Cherokee Nation during the war? A Yes, sir, they carried me south.  
Q Who carried you? A Mr. Bell, my master.  
Q Where did he carry you to? A Texas.  
Q When did you return to the Cherokee Nation after the war? A '64.  
Q Where did you come to? A Fort Gibson.  
Q How long did you stay in Fort Gibson? A I didn't stay up there but about five or six days.  
Q Then where did you go? A Came up on Lightning Creek.  
Q Then how long did you live up on Lightning Creek then after coming there that time? A I lived there off and on, three years.  
Q Where do you live now? A On Lightning Creek.  
Q How long have you been living there the last time? A On Lightning Creek?  
Q Yes, sir? A I have been living there all the while.



Q I understood you to say you lived three years on Lightening Creek after you went there from Fort Gibson? A Yes, sir, I went from there where I am.

Q You are still on Lightening Creek, are you? A Yes, sir.

Q You have been living where you are now ever since you moved from the first place you went to on Lightening Creek? A Yes, sir, ever since I moved from Mr. Daniels' place I went where I am, I worked there off and on until I came to where I now live.

Q All these children for whom you apply, that you have named, are they the children of yourself and your wife, Missouri Bell? A Yes, sir.

Q Have they all been born since you and Missouri have been married and living together? A Yes, sir.

Q Are they living with you, these children? A Yes, sir, some of them are, the others are living up in the country, the oldest ones.

Q Are these children whose names you gave here, which ones are living somewhere else, if any of them are not living with you? A They are about in the country, there are not any of them but what are in the country at this time.

Q They are all alive now? A Yes, sir.

MR. J.S. DAVENPORT, Cherokee attorney: Where were you living when the war broke out? A On Beattie's Prairie.

Q You didn't go to Texas with Mr. Bell before the war broke out? A Yes, sir.

Q You were not living on Beattie's Prairie then when the war broke out? A Well, at the breaking out they carried me south.

Q You went south before there was any war, didn't you? A Yes, sir, the war it hadn't commenced when I went to Texas.

Q You lived there now until you say, '66; is that when you claim you left there? A No, sir, I claim I came back here.

Q When did you leave Texas? A I left in '66.

Q What time of the year? A In the fall.

Q Now when did you go back to Texas? A I didn't go back to Texas at all.

Q Were you a married man at the time you left Texas in '66? A No, sir, I was a boy.

Q How old were you? A I was 18 years old.

Q Well, you went back to Texas then later on? A Yes, sir.

Q Well you married in Texas? A Yes, sir.

Q Now you had a child named Bob that was born in Texas, didn't you? A No, sir.

Q On named Frank that was born in Texas? A No, sir.

Q Where was Nannie born? A They are my children.

Q Were not they born in Texas? A No, sir.

Q Where were they born? A On Lightening Creek.

Q Bob was born on Lightening Creek, was he? A Yes, sir.

Q And Nannie? A Yes, sir.

Q And Jim? A Yes, sir.

Q And Ennext? A Yes, sir.

Q Lucian was born on Lightening Creek? A Yes, sir.

Q And Russia? A Yes, sir.

Q Eddie? A Yes, sir.

Q And Senie? A Yes, sir.

Q All your children were born on Lightening Creek? A Yes, sir.

Q Lightening Creek in the Cherokee Nation, is it? A Yes, sir. Cherokee Nation.

Q Did you testify before the Kern-Clifton Commission? A Yes, sir.

Q I will ask you if you didn't testify before that Commission that all your children excepting Willie were born in the State of Texas? A I don't know where I did or not, I might have.

Q If you did testify to that, was it true or untrue? A No, sir, they were born here.

Q When you came to Lightening Creek in '66 who did you find there? A In '66 I found these people lives on Lightening Creek here, Mr. Whitmire's folks, Harry still --

- Q Which one of the Whitmires? A Nose.
- Q Who else? A Ransome Downing.
- Q Who else? A Uncle Nose and Ransome Downing I said.
- Q They were the only people living in the Cherokee Nation on Lightning Creek when you came back? A No, sir, they were not all there.
- Q Who else were there? A Yes, sir, there were other people.
- Q Who were they? A Loomay Glass' folks I judge.
- Q To what point on Lightning Creek in the Cherokee Nation did you first return? A Over here up where I am living at near Hayden post office.
- Q What year were you married? A I married in the year '69 I believe.
- Q In 1869? A Yes, sir.
- Q You know what county in Texas you were married in? A Grayson I believe, some of them counties.
- Q How long did you live in Texas after you were married before you came to the Cherokee nation? A I just stayed there the balance of the year, and came back to the Nation.
- Q Did you come back before or after Hookey Bell came from Texas, or L. B. Bell, commonly called Hookey? A I came back before he did.
- Q About how long before, or do you know? A No, sir, I don't know exactly how long before he did.
- Q Where was he living before he left Texas? A Living on the old Bell place the last I knew of him.
- Q That was before you married or after you married? A Before I married.
- Q Then you went back to Texas and married? A Yes, sir.
- Q Was Mr. Bell there when you went back? A No, sir.
- Q Where did you first see Harry still after you came back to this country? A Near there where he lived at, on a place close to Hayden post office there.
- MR. HASTINGS: Was that after you brought your wife there?
- A No, sir, it wasn't the first time I saw him, he was there when I came there from Daniels' place, he helped me make my place.
- Q Did you make that after you married? A No, sir, before I married.
- Q When you came the first time? A Yes, sir.
- MR. DAVENPORT: What time did you come to Lightning Creek?
- A In the Spring.
- Q Of what year? A In the spring of '68 I believe, I don't know exactly what year, but it was in the spring after I stopped to Daniels' to work there, and went over the next spring and took up a farm on Lightning Creek.
- Q How many times you been married? A Once.
- Q Your wife's name Mary? A Yes, sir.
- Q Was she ever married before you married her? A Yes, sir.
- Q What was her first husband's name? A His name was Tom Stanford.
- Q Was he living when she married you? A No, sir, he died.
- Q She was a widow? A Yes, sir.
- Q You and she been living together ever since you married?
- A Yes, sir.
- Q She was a citizen of the state of Texas? A Yes, sir.
- Q Have you got any marriage certificate? A No, sir.
- Q She is the mother of all these children, is she? A Yes, sir.

Taking of testimony continued by Stenographer Chas: von Weiss.

Bruce C. Jones, being duly sworn, says that as stenographer to the commission to the five civilized tribes he correctly recorded the testimony and proceedings in the above case, and the foregoing

is a true and complete transcript of his stenographic notes thereof.

(Signed) Bruce C. Jones.

Sworn to and subscribed before me this the 8th of July, 1901.

(Signed) C. R. Breckinridge,  
Commissioner.

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Continued from Stenographer B. C. Jones.  
Nowata, I. T., June 25th, 1901.

BY MR. DAVEPORT OF APPLICANT:

- Q Where did you see Fred Martin the first time after the war?  
A Fort Gibson.  
Q When was that? A In '66.  
Q What time of the year? A In the fall.  
Q Who was with you then? A George Thompson.

FRED MARTIN, called and sworn as a witness for the applicant: BY MR. SMITH:

- Q What is your name? A Fred Martin.  
Q Where do you live? A On Grand river, Saline district.  
Q What is your post office? A Spavinaw.  
Q Do you know the applicant here, Alfred Bell? A Yes, sir, I have seen him.  
Q How long have you known him? A When did you first become acquainted with him? A There was a boy that was with George Thompson who came to our house, that they called Alfred, and to the best of my knowledge this is the boy.  
Q When were they at your house? A In the fall of '66.  
Q Were you a witness in the George Thompson case? A Yes, sir, I was.  
Q Where did you see him, what place? A Fort Gibson.  
You mean Fort Gibson, Indian Territory? A Yes, sir.  
MR. DAVEPORT: How old was this boy that they called Alfred that was with George Thompson the time you saw him? A A good sized boy.  
Q About how old did he look to be? A I don't know.  
Q Was he ten years old or more? A Looked to be bigger than that.  
Q How old were you then? A I am now 43 years old.  
Q That would make you about seven years old then? A 8 or 10, I think I was.  
Q How long were they there? A A short time.  
Q A good many people came there didn't they? A Yes, sir.  
Q You have testified as to the identity of a great many people, men, women, girls and boys that came there to your house that time, haven't you? A No, sir, not many.  
Q Well you have testified as to some haven't you? A Yes, sir, all those I saw and remember.  
Q You had never seen this boy before that had you? A No, sir.

HARRY STILL, called and sworn as a witness for the applicant: By Mr. Smith:

- Q What is your name? A Harry Still.  
Q What is your post office address? A Hayden.

Q Are you a recognized citizen of the Cherokee Nation, a freedman?

A Yes, sir.

Q Do you know this applicant, Alfred Bell? A Yes, sir, I know him.

Q Do you know whether he was a slave or not before the war?

A No, sir, I don't.

Q When did you first see him in the Cherokee Nation after the war?

A January '66.

Q Where did you see him? A Coming to Ransom Thompson's and staid there a while and left there.

Q How long did he stay there? A Staid there until along in the summer some time.

Q Are you sure that it was in January? A Yes, sir, Ransom went to Fort Gibson and when he come back this man came with him.

Q Do you know where this applicant lives now? A Yes, sir.

Q How far is it from you? A Adjoining places with me.

Q How long has he lived there? A It has been--he started a claim there the same spring he came there and lived there several years and then left; he lives there now.

BY DAVENPORT: You saw this fellow at Ransom Thompson's place in January, '66? A Yes, sir.

Q And you have been seeing him ever since in the country?

A No, sir, not all the time.

Q You don't know who has master was? A No, sir.

Q You don't know when he moved back to the Nation to live?

A I know I saw him in January, '66.

Q You didn't get back yourself until August, '66, did you?

A I got back here in '65 and '66 both.

Q You wasn't here in the Cherokee Nation in January '66, were you?

Of course I was.

Q You got back in January and saw him in January, '66? A I got back the last part.

Q Of January? A Of '66.

Q Where was Alfred's family when you saw him in '66? A Didn't have any.

Q When did he bring his family, did you ever see them? A Yes, sir, I saw them, the next time I saw him.

Q How long after you saw him first did you see his family?

A 4, 5, or 6 years.

Q He didn't continue to reside there in that community in '66?

A No, sir, he came there and staid a while and left and then came back again and he had his family with him then.

Q How many children had he when he returned? A Didn't have any, might have had William.

Q Was his children all born on Lightning Creek in the Cherokee Nation? A I think they was.

Q How far did he live from you, then? A I guess he lived about 4 miles from my place first and now we has adjoining places.

BY SMITH: You said something a while ago about coming back here in the last part of '66 and of seeing this man in January of '66; what do you mean by that? A I made three trips here, the first one was in the spring of '65, the second one was in the spring of '66 and the last one was in the fall of '66.

Q You came here the second time in the spring of '66? A Yes, sir.

Q Then you were not here in January of '66? A No, sir, I come to Fort Gibson in '65, and then come here in the first part of '66.

Q Then you were not here in January of '66? A No, sir; I come to Fort Gibson in '65 and then come here in the first part of '66 and then come again in the fall of '66, I made three trips.

Q Then that time of the year was it that you saw this boy in '66?

A The last part.

Q Now let me understand you right, when did this Alfred Bell come there to where you saw him in '66, was it before or after your third and last trip? A It was after.

Q What made you say that it was in January then? A I should have said the last part of '66.



BY COM'R NEEDLES: If you did say that it was in January, '66 it was a lapsus linguae was it? A Yes, sir.

JOHN LANDRUM, called and sworn as a witness for the applicant: By Mr. Smith.

- Q What is your name? A John or Jack Landrum.  
Q Where do you reside? A Hayden.  
Q Do you know the applicant, Alfred Bell? A Yes, sir.  
Q Did you know him before the war? A Yes, sir.  
Q Was he a slave? A Yes, sir.  
Q Who did he belong to? A They said Hookey Bell owned him, I don't know if it was him or his wife that owned him.  
Q When did you first see this applicant Alfred Bell in the Cherokee Nation after the war? A After the war I used him on Salt Creek.  
Q Where is Salt Creek? A This side of Lightning, 5 or 6 miles.  
Q Is it in the Cherokee Nation? A Yes, sir.  
Q When was it that you saw him there? A In '67, it was so said.  
Q When was it that you saw him there? A In '67, it was so said.  
Q Do you know what time of the year it was? A No, sir, I don't remember.  
Q Do you know what months it was, I did have it in my mind but I just forgot it.  
Q You don't know how long he had been there? A No, sir.

BY COM'R NEEDLES: Alfred Bell applies for himself and six children; his name cannot be identified on the roll of 1880 or on any of the rolls in the possession of the Commission, neither can the names of his children be found thereon. He avers that he was a slave in the Cherokee Nation before the war, was taken out of the Cherokee Nation and returned in 1866; he avers that he married in Texas, his wife Missouri being a non-citizen. He makes no proof of his marriage, and it will be necessary for him to file proof of his marriage in the shape of a certified copy of the marriage record, and also satisfactory proof of the birth of children. Now he and his six children as named in the testimony will be listed for enrollment as Cherokee Freedmen on a doubtful card, and he will be notified by mail of the final decision of the commission.

#### ADDITIONAL TESTIMONY.

By Mr. Smith of John Landrum.

- Q How far do you live from the applicant? A About two and a half miles.  
Q Have you ever been at his house? A Yes, sir.  
Q Do you know his wife? A Yes, sir.  
Q Are they living together as man and wife? A Yes, sir.  
Q How long have they been living as man and wife? A Ever since they came there.  
Q Are they received in the community as man and wife?  
A Yes, sir.  
BY HASTINGS: When did they come there as man and wife?  
A She came there when he came up there on Salt Creek the second time, he came first by himself.  
Q When did his wife come? A She came the latter part of '67.  
Q Did they have any children when they came? A Yes, sir.  
Q How many? A Oh no sir, they didn't have none then.  
Q He brought his wife there in the latter part of '67 did he?  
A Yes, sir.  
Q That was in the Cherokee Nation? A Yes, sir.



-7-

BY COM'R NEEDLES:

Q Do you know this man's children?  
A Yes, sir.  
Q Were they all born in the Cherokee Nation? A Yes, sir, I guess so.

BY SMITH OF THE APPLICANT:

Q Give me the names of your children older than James? A Will, Bob and Yannie.  
Q Is Nannie married? A Yes, sir.  
Q What is her name now? A Dirks.  
Q Where does she live? A With me.  
Q Has she any children? A One.  
Q What is its name? A Lucian Dirks.  
Q Where does Robert live? A Up about me on Lightning Creek, Cherokee Nation.  
Q Where does William live? A Close to where I am.  
Q Are they married? A Will has been.  
BY HASTINGS: How old is Will? A 28.  
Q How long after you were married was he born? A A year.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.  
(Signed) Chas. von Weise.

Subscribed and sworn to before me this the 10th of July, 1901.  
(Signed) T. B. Needles,  
Commissioner.

---000000000---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this September 7th, 1901.

Commissioner  
*M. D. Green*  
*MD*

R

Robert Bell.--2.

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JUL 28 1861

Subscribed and sworn to before me this 19th day of July, 1901.



Commissioner.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
NOWATA, I.T., JULY 2d, 1901.

In the matter of the application of Nannie Derick for the enrollment of her brother, ROBERT BELL, as a Cherokee Freedman; said Derick being sworn and examined by Commissioner T. B. Needles testified as follows:

APPEARANCES:

Mr. L. T. Brown, for applicant.

Mr. W. W. Hastings, for Cherokee Nation.

- Q What is your name? A Nannie Bell.  
Q How old are you? A 22.  
Q What is your post office? A Hayden.  
Q Are you married? A Yes, sir.  
Q What is your husband's name? A David Derick.  
Q Isn't your name Derick? A I said that we was separated.  
Q We had trouble about that the other day? A I told you my name the other day as Nannie Derick, but I made a mistake.  
Q Well, your name is Derick? A Yes, sir.  
Q Who do you want to enroll? A My brother, Bob Bell.  
Q Is his name Robert or Bob? A They call him Bob.  
Q How old is he? A 24 years old.  
Q Why isn't he here himself? A He is crazy.  
Q Where is he? A He is at home.  
Q You say he is crazy and not competent to be here himself?  
A Yes, sir.  
Q What is his father's name? A Albert Bell.  
Q What is his mother's name? A Missouri Bell.  
Q Is Robert Bell married? A No, sir.  
Q Ever been married? A No, sir.  
Q Where was he born? A Indian Territory.  
Q Cherokee Nation? A Yes, sir.  
Q Has he lived here all of his life? A Yes, sir.  
Q Living here now? A Yes, sir.  
Q Is his name on any of the rolls? A No, sir.  
Q Your name was not on any of the rolls was it? A No, sir.  
BY MR. BROWN:  
Q Did you draw strip money? A No, sir; we applied but was rejected

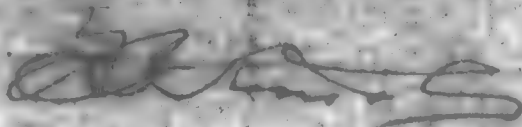
COM'R NEEDLES: Nannie Derick applies for the enrollment of her brother, Robert Bell. She avers that she is now married or has been married to one Derick. That she is a daughter of Albert and Missouri Bell, and the said Robert Bell is her brother. She avers that Robert Bell is not of sound mind and not competent to appear before the Commission. He is 24 years of age; his name cannot be identified upon any of the rolls of the Cherokee Nation in the possession of this Commission at this time, and citizenship is claimed for him through his father, Alfred Bell, who has been listed for enrollment on doubtful card #663, and the testimony taken in the application of said Alfred Bell will be made part of the record in the case at bar and a copy thereof filed herewith. The averment is made that the said Robert Bell was born and raised in the Cherokee Nation and resides in the Cherokee Nation at this time. He will now be listed for enrollment as a Cherokee Freedman upon a doubtful card. His application will be notified by the Commission of their decision in the case of Robert Bell when the same is arrived at.

J. O. Reason, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Reason

Robert Hall.--2.

Subscribed and sworn to before me this 19th day of July, 1901.



Commissioner.

X.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

*M. D. Green*

Subscribed and sworn to before me this November 15th, 1901.

*J. H. Jones*  
Notary Public.

EX  
7  
EC01.47  
3

NOV 21 1901  
U. S. DEPT. OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
DEPARTMENT OF THE INTERIOR



File with C.F. D-1033, Robert Bell.

SUPPLEMENTAL: C.F. D-883.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I.T., October 9, 1901.

In the matter of the application of Alfred Bell et al for enrollment as Cherokee Freedmen.

Appearances:

Mr. Smith, of Mallette & Smith, attorneys for applicants;  
Mr. W.W. Hastings, of attorneys for Cherokee Nation.

L. B. HELL, being sworn by Commissioner Needles, testified as follows:

BY MR. HASTINGS:

- Q What is your name? A L. B. Bell, 62, Vinita.
- Q Are you a Cherokee citizen by blood? A Yes sir.
- Q Did you or your family, prior to and up to the war own a slave by the name of Alfred Bell? A Yes sir, I did, and my wife, or rather belonged to my wife.
- Q Mr. Alfred Bell who applied for enrollment as a citizen at Nowata? A Same Freedman.
- Q Where were you living in 1865 or '6 after the war? A Why I was living in Rusk County, Texas, on a farm.
- Q Now where was this Alfred Bell in '65 and '66? A He was there on my farm.
- Q Was he there during the entire year of '66? A Well he was I reckon, I farmed there that year and had him on the place; he might have quit me sometime along about Christmas of that '66; I know he did when that terminated, went off and rented a farm somewhere else; I was breaking up to move back to the Cherokee Nation then, in '67.
- Q Well when did you come back? A I left there in March, 1867.
- Q Where was Alfred Bell at that time? A Well Alfred as I understood from him had rented some land near by there, I don't know, mile or two away from there, probably further.
- Q Well he had lived with you through the year of '66 clean up until Christmas? A Yes sir, up about that time. The year went out there with them you know when Christmas came; we didn't do no more work after that time; the first of January was generally understood to be the first of the year though.
- Q You mean by that the first of January, '67? A Yes, the first of January of any year.
- Q Well after he left you in '66 in the spring of '67 did you hear of Alfred Bell making a short trip up to the Cherokee Nation before you left down there? A No, I never heard of anything of that sort.
- Q Did you ever see Alfred Bell since you came up here? A Yes, I think the first time I met Alfred was over there at the Wallace roll; I don't have a distinct recollection of the time, but I am satisfied of that, because the Clifton roll was the next time I saw him.
- Q Where was he living when the Wallace roll was made? A Well he was just here trying to get on that roll.
- Q You know where he came from then? A I could not state exactly whether he told me he was just from Texas or not; he told me though he had married and had a good big bunch of children.
- Q You hadn't seen him in this country before that? A No sir, I hadn't seen him here, nor heard of him being here.
- Q Had he married when he left you? A No, Alfred was probably 16 or 20 years old when I saw him and turned him loose.

BY MR. SMITH:  
Q Now, Bell, where were you when the war closed? A I was up near Big Y Depot in the Cherokee Nation.

Alfred Bell et al (sup'1) 2

- Q How long before you reached Rush County, Texas? A How long before I got home?
- Q Yes? A After we disbanded it took me about two days and a half to ride home.
- Q What month did you go to Texas in? A We was disbanded in May I think and I got home in a few days.
- Q While you were in the army where was Alfred? A I presume he was right there with the balance of my comrades.
- Q There was none missing when I come home.
- Q You found Alfred in Texas when you went home in May, '65? A May, '65.
- Q Now what did you do the rest of the year '65? A We had a crop on hands there, and he just worked along with the balance of them.
- Q Did you stay at home during the rest of that year? A Yes sir, I stayed at home until December, about the first I reckon.
- Q First of December, '65? A Yes sir, somewhere like that.
- Q Then where did you go? A I went to Shreveport and New Orleans and up to Saint Louis and then down the Mississippi to Memphis, and took a boat there and come on home, and come up the Arkansas River.
- Q How long were you away? A I was gone probably thirty days.
- Q Then did you remain home during the entire year of '66 after that, or were you away at any time? A I stayed right there at home with the exception of 10 or 12 days; this Joe Thompson who testified awhile ago and I come up to Red River; he was gone probably 10 days on that trip.
- Q How many slaves did you have there? A I expect there was as much as 18 or 20; I would have to figure up on it; maybe more.
- Q There was a whole lot of children.
- Q Now after that crop that was out when you got back in '65, was there another one planted in 1866? A Yes sir.
- Q Well now of the number of slaves that you had there do you remember Alfred during all of the year of 1866 that you were at home, are you able to state that he was there all the time? A Well that's my recollection about it, I don't know I called the roll over that morning or any morning.
- Q One of them might have been away? A Yes sir.
- Q So you are not positive that he was there during all the time that you were there in '66? A Well I would be positive so far as all the reasonable doubts could be made.
- Q But you don't absolutely remember it of your independent recollection? A That he was there every day?
- Q Yes? A No sir, I couldn't say that.
- Q Of course you don't know where he was when you were away? A No.
- Q He did belong to you before the war? A Yes; well as a matter of fact he belonged to my wife; she had him when I married her.
- Q She was a citizen of the Cherokee Nation? A She was a Cherokee.
- Q And you took this Alfred Bell out during the war? A I took him out in 1861, about October.
- Q Now you never saw him until the Wallace roll; you said he was trying to get on that; well he got on it didn't he? A Well I rather think he did.
- Q Well then you don't know of your own personal knowledge when he did come back to the Cherokee Nation first? A No sir I don't.
- COMMISSIONER NEEDLES: This testimony will be filed with the testimony taken in the original case, and will be made part of the record in Freeman D 906 and 975 and 1035.

Alfred Bell (exp'd) 3

M. R. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

*M. R. Green*

Subscribed and sworn to before me this November 15th, 1901.

*J. C. Starr*  
Notary Public.

COMMUNICATION TO THE COMMISSION TO THE FIVE CIVILIZED TRIBES  
DECEMBER 1901

C. M. R.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Alfred Bell, et al., as Cherokee Freedmen, consolidating the applications of--

|                      |                           |
|----------------------|---------------------------|
| Alfred Bell, et al., | Cherokee Freedmen D- 868. |
| William Bell,        | Cherokee Freedmen D- 905. |
| Nannie Derrick,      | Cherokee Freedmen D- 976. |
| Robert Bell,         | Cherokee Freedmen D-1035. |

DECISION.

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by Alfred Bell for himself and his six minor children, James, Earl, Lucian, Russia, Eddie and Gena Bell; by William Bell for himself; by Nannie Derrick for herself, and, among others, her brother, Robert Bell. The other parties to this application being differently classified are not embraced in this decision.

The evidence in this case shows that the applicant, Alfred Bell, was the slave of a Cherokee freedman at the commencement of the rebellion; that during said rebellion he left the Cherokee Nation, and when he returned thereto, one Harry Still was then residing in said Nation. The Commission has found in the case of Harry Still, Cherokee Freedmen 876, that the said Harry Still did not return to the Cherokee Nation within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, et al., vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation; therefore, the applicant, Alfred Bell, did not return to the Cherokee Nation and establish a residence therein within the time specified in the said decree. It appears that the applicants, James Bell, Earl Bell, Lucian Bell, Russia Bell, Eddie Bell, Gena Bell, William Bell, Nannie Derrick and Robert Bell, have been born since 1866 and have no right to enrollment except such as may be possessed by their father, the said Alfred Bell.

It does not appear that any of the applicants herein are identified on the 1880 authenticated Cherokee Roll.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Alfred Bell, James Bell, Earl Bell, Lucian Bell, Russia Bell, Eddie Bell, Gena Bell, William



2-2-  
Bell, Sammie Derrick and Robert Bell as Cherokee freedmen should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

CHIEF,

J. M. Dickey

Chairman.

CHIEF,

T. B. Nesbitt

Commissioner.

CHIEF,

C. R. Brantley

Commissioner.

CHIEF,

W. E. Stahl

Commissioner.

Indagoo, Indian Territory,  
MAR - 5 1904  
this



9. NA D1033  
**INDIAN TERRITORY,  
CHEROKEE NATION.**

I hereby certify that I served the with-  
in notice on \_\_\_\_\_

by delivering a true copy thereof on the  
\_\_\_\_\_ day of \_\_\_\_\_ A. D. 1901

Given under my hand this \_\_\_\_\_  
day of \_\_\_\_\_ A. D. 1901.

\_\_\_\_\_  
Marshal for the Cherokee Nation.

I, the undersigned attorney for the  
within named applicant hereby accept  
service of the within notice on this the

\_\_\_\_\_ day of SEP 20 1901, 1901.

Wm Mellellie  
Attorney for applicant.

UNITED STATES OF AMERICA, }  
INDIAN TERRITORY, } c. s.  
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a  
true copy of the within notice to \_\_\_\_\_

\_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ A. D. 1901.

Subscribed and sworn to before me  
this \_\_\_\_\_ day of \_\_\_\_\_ A. D. 1901.

DEPARTMENT OF THE INTERIOR,  
~~COMMISSION TO THE FIVE CIVILIZED TRIBES.~~

**FILED**  
SEP 21 1901

[Signature]  
Acting Chairman

## NOTICE

*IN THE MATTER OF* the application of Robta Bell  
for enrollment as a Cherokee citizen:

Case No. D. 1033

To ~~Robert Bell or Mellette & Smith his Attys.~~

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory.  
Indian Territory, on Oct. 9th at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 18 1901

L B Bell  
W. W. Hastings  
Attorneys for the Cherokee Nation.

7-1038

MAR 24 1962

MAR 24 1962

~~CONFIDENTIAL~~

# **NOTICE.**

## **Cherokee - Freedmen - Enrollment.**

The Commission to the Five Civilized Tribes will continue in session at

**MUSKOGEE, IND. TER.,**

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Robert Bell,

Hayden, I. T.

Cherokee-F-D-1033.

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

①

XIP 1033

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
**FILED**  
JUL 2 1901



ACTING CHAIRMAN



## MEMORANDUM OF APPLICATION.

## CHEROKEE FREEDMEN.

Date July 2, 1901  
 Post Office Hayden St.  
 District 105

1. Name Robert Bell Age 24  
 Owner's name \_\_\_\_\_ Citizenship \_\_\_\_\_  
 Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ District \_\_\_\_\_

## Parents:

Father Alfred Bell Citizenship Cher. Freed  
 Mother Miriam " " " " " " " " " " " "

2. Name of wife \_\_\_\_\_ Age \_\_\_\_\_  
 Owner's name \_\_\_\_\_ Citizenship \_\_\_\_\_  
 Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ District \_\_\_\_\_

## Parents:

Father \_\_\_\_\_ Citizenship \_\_\_\_\_  
 Mother \_\_\_\_\_ Citizenship \_\_\_\_\_

## Names of Children:

3. \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Dist. \_\_\_\_\_  
 4. \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Dist. \_\_\_\_\_  
 5. \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Dist. \_\_\_\_\_  
 6. \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Dist. \_\_\_\_\_  
 7. \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Dist. \_\_\_\_\_  
 8. \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Dist. \_\_\_\_\_  
 9. \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Dist. \_\_\_\_\_  
 10. \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Dist. \_\_\_\_\_  
 11. \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Dist. \_\_\_\_\_  
 12. \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Dist. \_\_\_\_\_

Application made by Minnie Bell Stenographer J. C. Ross

Ref. 19863

Represented by Louis F. Brown

COPY.

Cherokee Freedmen  
D, 863, 906, 975,  
1033.

Muskogee, Indian Territory, March 22, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Alfred Bell, et al., including the Commission's decision dated March 5, 1904, rejecting the applications for the enrollment of Alfred Bell, James Bell, Earl Bell, Lucian Bell, Russia Bell, Eddie Bell, Cena Bell, William Bell, Hannie Derrick and Robert Bell as Cherokee freedmen.

Respectfully,

Encl. D-48

Through the

Commissioner in Charge.

Commissioner of Indian Affairs.

COPY.

Cherokee Freedmen  
D-663 et al

Muskogee, Indian Territory, March 22, 1904.

Edgar Smith,

Attorney for Alfred Bell et al.,  
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 3, 1904, in the consolidated case of Alfred Bell et al., rejecting the applications for the enrollment of Alfred, James, Earl, Lucian, Russia, Eddie, Cene, William and Robert Bell as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

*T. B. Needles.*

Register

Enc. D-37.

Commissioner in Charge.

COPY.

Cherokee Freedmen  
D. 641, 906, 915,  
1031.

Muskogee, Indian Territory, March 25, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,  
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 3, 1904, in the consolidated case of Alfred Bell, et al., rejecting the applications for the enrollment of Alfred Bell, James Bell, Earl Bell, Lucian Bell, Russia Bell, Eddie Bell, Gena Bell, William Bell, Hannis Derrick and Robert Bell as Cherokee Freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

*I. B. Needles.*

Encl. D-46

Commissioner in Charge.

D-978 D-1082

Muskogee, Indian Territory, August 4, 1904.

Mannie Derrick,

Hayden, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated March 5, 1904, rejecting, among others, your application for the enrollment of yourself and your brother, Robert Bell, as Cherokee Freedmen, was affirmed by the Secretary of the Interior on July 14, 1904.

Respectfully,

Commissioner in Charge.



Cherokee Freedmen

D-905 D-976,

D-968 D-1033.

Muskogee, Indian Territory, August 4, 1904.

Hastings, Bell & Dawsonport,

Attorneys for the Cherokee Nation,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated March 5, 1904, in the consolidated case of Alfred Bell, et al., rejecting the applications for the enrollment of William Alfred, James, Earl, Lucian, Russia, Eddie, Cene and Robert Bell, and Nannie Derrick as Cherokee freedmen, was affirmed by the Secretary of the Interior on July 14, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen

D-803.

Muskogee, Indian Territory, August 4, 1904.

Alfred Bell,

Hayden, Indian Territory.

Dear Sir:

You are advised that the Commission's decision dated March 5, 1904, rejecting, among others, your application for the enrollment of yourself and your six minor children, James, Earl, Lucian, Russia, Eddie and Cena Bell as Cherokees Freedmen, was affirmed by the Secretary of the Interior on July 14, 1904.

Respectfully,

Commissioner in Charge.

(COPY)

D.C.48317

Nov 5th 1906.

The Honorable,

The Commissioner to the Five Civilized Tribes  
Washkegee I. T.

Dear Sir:

On June 25th 1906 we filed a motion for rehearing in the consolidated Cherokee Freedmen Enrollment cases of Alfred Bell et al and at that time asked for thirty days time in which to file affidavits in support of that motion.

We have repeatedly advised the applicants to get their affidavits but they have been unable to do so and we have made diligent inquiry ourselves for testimony for them and after much inquiry we are unable to find anything that would add any strength to the case from the applicants stand point and being unable to find proper witnesses to sustain our motion for rehearing we therefore request that the motion for rehearing filed by us in this case be dismissed.

Respectfully,

Starr & Patten

JCS

Muskogee, Indian Territory, November 10, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

July 24, 1904 (I.T.D. 5624-1904), the Department affirmed the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, rejecting the applications of Alfred Bell et al., for enrollment as Cherokee Freedmen. June 25, 1906, there was filed with this office by Starr & Patten, Vinita, Indian Territory, attorneys for applicants, a motion for a rehearing in the case. Said motion is enclosed herewith.

In their letter of November 5, 1906, a copy of which letter is enclosed, attorneys for applicants advise that they "have made diligent inquiry ourselves for testimony for them" and that "we are unable to find anything that would add any strength to the case from the applicants standpoint and being unable to find proper witnesses to sustain our motion for rehearing we therefore request that the motion for rehearing filed by us in this case be dismissed."

In view of the report in the case, and the statements of attorneys for applicants, it is respectfully recommended

Secretary-2

that their request be granted, and that their motion for a re-hearing in the case of Alfred Bell et al., be allowed.

Respectfully,

Commissioner.

Encl. B-49

Through the Commissioner  
of Indian Affairs.



COPY

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

LAND:  
67111-1904  
59000-1906.

December 5, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of July 14, 1904, (I. T.R. 5624-1904), affirming the decision of the Commission to the Five Civilized Tribes, rejecting the application of Alfred Bell et al., for enrollment as Cherokee freedmen, I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated November 10, 1906, enclosing a motion for a rehearing in this case, filed June 25, 1906, by Starr & Patten, Vinita, Indian Territory, attorneys for the applicants.

There is enclosed with the Commissioner's communication copy of a letter from Starr & Patten, dated November 15, 1906, in which they say that they have repeatedly advised the applicants to get their affidavits in support of their motion, but that they have been unable to do so. The attorneys themselves having made diligent inquiry for testimony, they say they are unable to find anything that would add any strength to the case from the

standpoint of the applicants, and being unable to find proper witnesses, they request that the motion for a rehearing be dismissed.

In view of the letter of the attorneys, the Office respectfully recommends that the motion be denied.

The record in the case is transmitted herewith.

Very respectfully,

G. F. Larrabee,

Acting Commissioner.

WFB:MK

D.C. 312-1907.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

Y.F.  
JHE.

I.T.D. 24530-1906.

L.R.S.

December 27, 1906.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

The motion for rehearing in the consolidated Cherokee freedman case of Alfred Bell, et al., received with your letter of November 10, 1906, and Indian Office letter of December 5, 1906 (Land 99840), is denied, in accordance with your recommendation and that of the Indian Office, and in accordance with the request of the attorneys who filed it, and because the Department finds no merit in it.

A copy of the Indian Office letter is inclosed.  
The other papers in the matter have been returned to that office.

Respectfully,

Thos Ryan

First Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

1 inc and 7 to Ind. Of.

Cherokee F.  
R 439.

Muskogee, Indian Territory, January 11, 1907.

Robert Bell,

Hayden, Indian Territory.

Dear Sir:

You are hereby advised that the motion filed by  
your attorneys for a rehearing of your Cherokee freedman enroll-  
ment case, was denied by the Secretary of the Interior, December  
27, 1906.

Respectfully,

Commissioner.

LMC

Cherokee F.  
R 436 of al.

Muskogee, Indian Territory, January 14, 1907.

Starr & Patten,

Attorneys for Alfred Bell, et al.,

Vinita, Indian Territory.

Dear Sirs:

You are hereby advised that a motion for a rehearing in the Cherokee freedmen enrollment case of Alfred Bell, et al., was denied by the Secretary of the Interior, December 27, 1906.

For your information, there is enclosed herewith copy of Departmental decision referred to.

Respectfully,

Encl. N-17  
JMM

Commissioner.



Cherokee P.  
R 436 et al.

Muskogee, Indian Territory, January 14, 1907.

W. W. Hastings,  
Attorney for Cherokee Nation,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that a motion for a rehearing in the Cherokee freedman enrollment case of Alfred Bell, et al., was denied by the Secretary of the Interior, December 27, 1906.

For your information, there is enclosed herewith copy of Departmental decision referred to.

Respectfully,

Encl. H-18  
JMH

Commissioner.

Cher. Fr. R- 440

See Cher Fr. R-441-2, D-674

Cher. Fr. R-440

-12-

Bruce G. Jones, ~~and~~ sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing, and that the same is a true and correct copy from the originals.

Sworn to and subscribed before me this the 21st of August, 1901.

*C. J.*

W. B. Jones.

File with Cherokee Freedmen D-

942, James Hill

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Chelsea, I.T., June 11, 1901.

In the matter of the application of William Henry Robinson for the enrollment of himself and seven children as Cherokee Freedmen, and for the enrollment of his wife, as an intermarried Cherokee Freedman; being sworn and examined by Commissioner Needles, he testified as follows:

Appearances:

Mr. Smith, of Mellette & Smith, for the applicants;  
Mr. Davenport, for the Cherokee Nation.

- Q What is your name? A William Henry Robinson.  
Q How old are you? A I am about 48, or 9 years old, I don't know my age exactly.  
Q What is your postoffice? A Nowata.  
Q What district do you live in? A Cooweescoowee.  
Q You apply for enrollment as a Cherokee Freedman? A Free colored person living here at the commencement of the Rebellion.  
Q Who do you desire to enroll besides yourself? A Self and seven children.  
Q Give me the names of your children? A Josie Ann.  
Q How old is she? A 26.  
Q She will have to enroll for herself, I want the children under 21? A James Aurelius.  
Q How old is he? A 18.  
Q Next? A Jennetta.  
Q How old is Jennetta? A 16.  
Q Next? A Charles S.  
Q How old is he? A 14.  
Q Next? A Amanda Elizabeth, 12.  
Q Next? A John Savannah.  
Q How old is he? A 10.  
Q Next one? A Ollie.  
Q How old is Ollie? A 8 years old.  
Q Next one? A Next is three years old, his name is William Dewey.  
Q That all? A Yes sir, that's all under age.  
Q Are you married? A Yes sir.  
Q Is your wife a citizen? A Claimant.  
Q What is your wife's name? A Millie Robinson, nee Hill.  
Q You don't apply for her, you say, has she been listed for enrollment? A No sir, she has not been listed yet, I can enroll her of course, she is married, been married twenty-eight years.  
Mr. Smith: Better apply for her.  
Com'r: Applies for himself and wife Millie.  
Q Are these children all living? A Yes sir.  
Q They were all born in the Cherokee Nation? A Yes sir.  
Q Is your name on any of the rolls of the Cherokee Nation? A Two, I am satisfied.

Q What rolls? A Wallace and Clifton.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not identified thereon;

1890 census roll of citizens of the Cherokee Nation examined and applicants not found thereon.

Wall-Clifton pay-roll of citizens of the Cherokee Nation examined and applicants identified thereon as follows:

Page 181 #3018 William Robinson, Cooweescoowee District.

Page 181 #3019 Jim Robinson, Cooweescoowee District.

Page 181 #3017 Jennetta Robinson, Cooweescoowee District.

Page 181 #3018 Charles Robinson, Cooweescoowee District.

Page 121 #3019 Amanda Robinson, Cooweescoowee District.

Page 121 #3020 John Robinson, Cooweescoowee District.

Page 121 #3021 Olive Robinson, Cooweescoowee District.

Q Is her name Ollie or Alive? A Ollie.

Wallace roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:

Page 124 #3209 Wm. H. Roberson, Cooweescoowee District.

Wallace roll examined for applicant's wife Millie, and not identified thereon.

Q Did you draw strip money for your wife? A No sir.

Examined by Attorney Smith:

Q Where were you living when the war commenced, the Civil War?

A Best of my recollection, I was living in Delaware District, on the place they call Beatty's Prairie, in the Cherokee Nation.

Q Who was your father? A Munford Robinson.

Q Who was your mother? A Annie Robinson.

Q You were a free colored person? A Yes sir.

Q You were here at the time the war commenced? A Yes sir.

Q Did you go out? A Yes sir.

Q Where did you go? A To Ft. Scott, Kansas.

Q When did you return first to the Cherokee Nation? A In May, '66.

Q Where have you been living since that time? A In the Indian Territory.

Q What Nation? A Cherokee Nation.

Q Have you any children now older than James A.? A Yes sir.

Q Name them? A Josie Ann and Eva Ellen.

Q Is Josie Ann married? A Yes sir, her name is Marie Ann Slaughter

Cherokee Nation.

Q What is your other daughter's full name? A Eva Ellen Anderson.

Q Tell her husband's first name? A Arthur.

Q What is Slaughter's first name? A Charlie.

Q Have they any children, either one of them? A Slaughter has a step-child.

Q But your daughter I speak of? A Yes, one.

Q What is that child's name? A Smith. Married a second time; her first husband was Smith, second husband was Slaughter, that's the one she lives with now.

Q What is the christian name of the child? A Sadie.

Examined by Cherokee Representative, Davenport:

Q Now Robinson, you were living at what point in the Cherokee Nation when the war broke out? A I was living on the place they call Beatty's Prairie, near the neutral land in the strip, I think it is in Delaware District.

Q Who were living near where you were living at that time? A Old man named Mosee is the only one.

Q Was that Jeff? A I don't know.

Q Was Joe Ward living there? A I don't know anything about that.

Q Where was Jim Yeargin's family? A I don't know.

Q How old were you when the war broke out? A Between seven and eight years old.

Q How old is your oldest child now? A 26.

Q You went out of the Nation during the war and to what point did you go? A Fort Scott.

Q How long did you stay at Ft. Scott? A During the war.

Q That's where you got acquainted with William Y. Foreman?

A First of my recollection; of course I had seen him before, but I didn't get acquainted with him.

Q You came back to the Cherokee Nation when? A In '66, May.

Q You came back before or after the Treaty was made? A After.

Q Did you come back in May? A May.

Q When you came back to what point in the Cherokee Nation did you come? A Big Cabin Creek, not very far from Lee Schrimsher's old place.

Q Who was living on the Lee Schrimsher place at that time, if any



one? A Mr. Foreman, I believe.

Q Where was Newt Schrimsher when you came back? A My recollection is he lived over east somewhere, I don't know where.

Q Where was Reuben Sanders, and Solon James? A I don't know a thing about Solon James, but I remember Reuben Sanders and then, they lived on Big Creek. I don't know whether they came there after, or I think it was just about the time I moved in here.

Q William Foreman, did he live in Coowessocowee or Delaware District at that time? A He lived in Coowessocowee.

Q He is the same William Foreman that you and your brothers and sisters gave the one hundred and twenty-five dollars to to swear for you in the Keam-Clifton enrollment isn't he? A Same man.

By Mr. Smith:

Q What did you give him \$125 dollars to swear for you for? A That's his price, he charged that, and more than that he was to follow the court in case of rebuttal he was to see that we wasn't injured, and he had to travel backwards and forwards on the railroad and pay his expenses, consequently we just volunteered to give him that amount.

Q Who is William Foreman? A A Cherokee man.

Q Was he acquainted with the facts in your case? A Yes sir.

Q Did you hire him to swear to anything that wasn't the facts? A No sir.

By Mr. Davenport:

Q You just simply hired him to represent, is your brains? A No sir.

Q Was that Mr. Blythe living there near you before the war? A No sir.

By Gen'l Needles:

Q This man Foreman, he was also acting kind of attorney was he?

A Might determine it that way, children you know, our parents deceased.

Q Was anybody else included in that \$125 dollar fee besides your family? A No sir.

By Mr. Smith:

Q Was Foreman an older man than you? A Yes sir indeed.

Q You say he was acquainted with the facts in your case?

A Yes sir.

Q Did he demand that much from you? A He thought it ought to be worth about that much.

Q He knew the facts in your case, were there any witnesses who did know the facts? A There was two others we had that was acquainted with them.

Q That matter of paying Foreman wasn't before this Commission?

A No sir.

Q That was at another time, when the Clifton roll was made?

A Yes sir.

LEWIS WHITMIRE, being sworn by Gen'l Needles, testified:

By Mr. Smith:

Q State your name? A Lewis Whitmire.

Q Where do you live? A On Lightning Creek.

Q What is your postoffice? A Hayden.

Q What is your age? A 62 years old.

Q You know this applicant, William H. Robinson? A Yes sir.

Q How long have you known him? A I don't know exactly, I guess it has been about 35 or 40 years.

Q Did you know him before the war? A No sir, I knew him in time of the war.

Q Where was he in time of the war? A He was at Ft. Scott.

Q When did you first see him in the Cherokee Nation after the war? A First place I saw him was out here about a mile and a half south-west of Timbered Hill.

Q How far from Chelsea is Timbered Hill? A I don't know how far

it is from here, the place I saw him is about eight miles north-west of Vinita.

Q When did you see him first? A It was the winter of '66, I don't know exactly what time; it was winter, I don't know whether it was December or January.

Q You remember how long it was from Christmas? A No sir, I don't remember how long it was until Christmas.

By Mr. Davenport:

Q You remember whether it was before or after Christmas? A I don't remember whether it was before or after Christmas.

Q You came back to the territory in the summer of '66? A Yes sir I came back here in the summer of '66.

Q And it was sometime in the following winter you saw him? A Yes sir

Q You don't know what time? A No sir.

Q Nor what month of the year? A No sir, I don't.

By Mr. Smith:

Q Under what circumstances did you see him? A He was living with his father and mother in a old Government tent; camped right down in the bottom on the bank of Big Cabin Creek; I was horse hunting at that time.

HARRY STILL, being sworn by Com'r Needles, testified as follows:

By Mr. Smith:

Q State your name? A Harry Still.

Q Where do you live? A Hayden.

Q You know this applicant, William F. Robinson? A Yes sir.

Q How long have you known him? A Since '62.

Q Where was he in '62? A First time I saw him was on the neutral land when we started to Kansas.

Q Who was he with when you saw him first? A His mother and father, and his brothers and sisters.

Q What was his father's name? A Old man Robinson I always called him.

Q You remember his mother's given name? A No sir, I don't remember her given name.

Q When did you first see him in the Cherokee Nation after the war? A In the winter of '66, over here on Cabin Creek, first time, not far from the Newt Schrimsher place.

Q About what time was that? A It was along in the winter of '66 when I saw him there.

Q How many trips did you make back to the Cherokee Nation? A Three

Q When did you come back here the third time? A In the fall of '66

Q About what month? A Sometime in October I think.

Q About how long after that was it before you saw this man William F. Robinson? A Maybe I am mistaken, I went back after Aunt Nancy when she died up there at Timbered Hill and I found William and his folks up there then; it was getting kinder late in the year; near the old Schrimsher place.

Q And when was it you think? A Sometime in the winter or fall of '66, I mean the last part of '66.

Q Was it before or after Christmas? A Before.

Q Before Christmas of '66? A Yes sir.

Q Do you know where he has been living since that? A Yes sir.

Q Where? A Next time I saw him he was clearing a place after that about three miles from there, and then along in the summer of '66 me and him and his brothers worked together over here on Cabin Creek. I have been knowing him ever since; we worked there awhile, and he went back over here where he started a place over here on Cabin Creek, and I have been knowing him around in the Nation, I don't know how many places he did live, I have been him up here where he is living now.

Q How long has he been living where he is living now? A I don't

Q How long has he been living where he is living now? A I don't know exactly, I have known him out on Osage avenue, living out there, and right around in the Nation here all the while, we worked together in '87.

By Gen'l Needles:

Q When you talked about the neutral land, that was a claim considered part of the Cherokee Nation? A Yes sir.

By Mr. Davenport:

Q That is the first time you have ever testified for Robinson?

A Yes sir.

Q You was around with the Kerr-Clifton Commission in 1896?

A Yes sir.

Q Mr. Robinson was there? A Yes sir.

Q You knew he applied? A Yes sir.

Q They didn't use you then, they used W. Y. Foreman? A Yes sir, he had other witnesses.

Q You knew the same facts then you know now? A Yes sir.

Q And never did tell them? A Nobody never did ask me to tell them.

Q How did it happen you was on Big Creek in the latter part of '88, and saw this fellow? A Went back to get my aunt.

Q Was there a road from Big Creek down towards McCashe River at that time? A No sir.

Q How did you happen to straggle on him? A It was right on my road, right across the prairie.

Q You never lived in that neighborhood towards Big Creek where Sam Webber lived? A No sir, I lived on middle prong of Lightning Creek.

Q How far from Hayden's postoffice? A Three or four miles.

Q And you were going up to New Schrimmer's place to get your aunt?

A Yes sir.

Q Was Robinson grown then? A He looked big as he is now, he was a good big fellow; when we went to Kansas together he was nearly grown.

Q Just at the breaking out of the war? A Yes sir, he was a young man, the other boys wasn't as large as he was.

Q You didn't know anything of them when the war broke out? A When we started to Kansas we got with the command taking refugee negroes out here, first time I saw William was up in the Neutral Land, and we went together from there to Ft. Scott.

Q There was a whole lot of other colored people along? A Yes sir.

Q You remember him because he was nearly grown? A I remember him and his family because they was people I never forget.

Q What makes you think it was before Christmas in '88 that you saw them up there on Big Creek? A Because I am satisfied it was.

Q You have nothing on which to base your satisfaction? A I know I went after aunt Nancy and she was dead, and the result was I found them.

Q You know that was in the winter of '88? A Yes sir.

Q You know what time the applicant came back to the Cherokee Nation?

A No sir, I know I went with him, and that's what time I saw him over there.

Applicant, WILLIAM HENRY FOREMAN, re-called and further examined, by Gen'l Needles:

Q Where were you born? A In the Cherokee Nation.

Q Your father and mother free? A Yes sir.

By Mr. Davenport:

Q Your parents, were they alive then? A Not that I know of.

Q You didn't reside in Arkansas in '87? A No sir, I didn't did I know?

FILMORE HICKS, being sworn by Com'r Needles, testified as follows:

By Mr. Smith:

- Q State your name? A Filmore Hicks.  
 Q Where do you live? A In Vinita now.  
 Q How old are you? A 53.  
 Q You know William H. Robinson, this applicant? A Yes sir.  
 Q How long have you known him? A Ever since the winter of '67.  
 Q You didn't know him before the war? A No sir.  
 Q Did you know his father before the war? A No sir.  
 Q Nor his mother? A No sir.  
 Q You don't know where they lived before the war? A No, I don't know.

By Com'r Needles:

- Q Are you a Cherokee citizen by blood? A Yes sir.  
 Q You don't know whether this applicant was a slave before the war or not? A No sir.  
 Q First time you saw him was in January, '67? A Yes sir.  
 Q Where? A On Cabin Creek.  
 Q Cherokee Nation? A Yes sir.

By Mr. Davanport:

- Q What was he doing then Cap, when you saw him? A They were camped on the creek there when I saw them.  
 Q You don't know where they had been during the war? A No sir.  
 Q Had they just come from Kansas or some other place, or just seemed to be camping there? A They seemed to have been there somewhere—  
 Q About a year? A No, not that long.  
 Q What makes you think it was January, '67? A I can tell you; Bill Foreman, I had been hired to Bill Foreman, he moved to Big Creek and from Big Creek back to Cabin Creek; I had been working for him about three months I guess, right along, and I went home about the first of December, he owned me twenty-five dollars, he told me to come back after Christmas about the first of January, he didn't have any money, and I stayed there about four or five days waiting for him.  
 Q Where was Bill Foreman living then? A On the John Foreman place.  
 Q How far from the Lee Schrimsher place? A About two or three miles; while I was waiting there for Foreman and hunting around I run across this family; hunted on the creeks there and around through the country, nothing to do but hunt around.  
 Q How far were they from the Lee Schrimsher or Foreman place when you run across them? A About a mile and a half.  
 Q Did you work for Bill Foreman around the Foreman place in '66?  
 A Yes sir.  
 Q Did you see them there during that year of '66? A No sir.  
 Q Were you following cattle around over the creeks? A Well, I was driving cattle for Foreman, and driving teams.  
 Q You had been on the creeks around where you saw them in '67?  
 A Not much, Foreman never left Big Creek until about December and he come to Cabin Creek, and about the first of December I went home, and about the first of January I come to get my money.  
 Q Were you with Foreman from May to December, '66? A He never lived there up until then.  
 Q Were you around the Schrimsher place from May up to '66? A I passed there twice.  
 Q How far did you work from the Schrimsher place during '66?  
 A About three or four miles down the creek.  
 Q Did you see this applicant or his family about the Schrimsher place at any time during the year of '66? A No.  
 Q How often did you say you passed the Schrimsher place? A I passed there twice. We come there as we moved over and when we come back we come back that way.



Applicant, WILLIAM HENRY ROBINSON, re-called and further examined, by Com'r Needles:

Q You present a marriage certificate certifying that you married your wife, Millie, did you ever have a license? A No sir, that is the first license I got.

Q Never had any license? A No sir, that's the first time we was married, we married only according to customs.

Q Was you ever married but once? A Yes sir, I married twice, but to the same woman.

Q What did you marry twice for? A She come in as a claimant, they failed to respect her such some years ago, and consequently we was advised to marry according to Cherokee laws.

Q When you marry according to Cherokee Law don't you have to procure a license? A That is all the license they claimed it was necessary for me to have.

By Mr. Smith:

Q Where did you marry your wife first? A In the Cherokee Nation.

Q How many years ago has that been? A 28 years ago.

Q Have you been living together as man and wife ever since that?

A Yes sir.

Q Who were you married to? A Brother named Nathan Duffin, a preacher.

Q Is he living or dead? A Dead.

Q Is there anyone here who saw you married? A I guess so, Thomas Mayfield was present.

THOMAS MAYFIELD, being sworn by Com'r Needles, testified as follows:

By Mr. Smith:

Q State your name? A Thomas Mayfield.

Q Where do you live? A On Grand River.

Q In what nation? A Cherokee Nation.

Q Do you know this applicant, William H. Robinson? A Yes sir, I know him.

Q You know his wife? A Yes sir.

Q Were you present when they were married? A Yes sir.

Q Who married them? A Nathan Duffin.

Q About how long ago has that been as well as you can remember?

A Right near fifteen or twenty years ago.

Q Might have been near that? A Might have been.

Q You don't know how long it has been? A No sir, I don't know exactly.

Q Was Duffin a preacher? A Yes sir.

Q Where were they married? A Married in my church house there on Grand river, Island Ford.

Davenport, Cherokee Rep'rs, waives examination.

Applicant, WILLIAM HENRY ROBINSON, re-called and further examined, by Com'r Needles:

Q When were you married the first time? A Married last day of August, '72, I believe.

Q You know the reason your name is not on the roll of 1880?

A No sir.

Q Did you ever apply to have it put down? A I applied and I supposed they put it on, but it failed to show up.

Q You applied did you? A Yes sir.

Mr. Smith offers a marriage license, and hands it to Mr. Davenport, for examination.

Mr. Davenport: The Representatives of the Cherokee Nation object to the introduction of the certificate of marriage offered, for the reason that at the time it was



cutted there was no law in force in the Cherokee Nation authorizing the issuing of marriage certificates according to Cherokee law by which anyone marrying a recognized citizen could acquire property rights in the Cherokee Nation, the law having been repealed on December 16th, 1895, and for the further reason that there was no law authorizing a clerk to issue a certificate of marriage according to the laws of the Cherokee Nation to any parties other than recognized citizens of the Cherokee Nation, and if the clerk violated his duty it would give no force to the applicant in establishing his right as to having been a free colored person at the breaking out of the war and residing in the Cherokee Nation, having returned in accordance with the Treaty.

Applicant examined by Com'r Needles:

- Q You apply for your wife as an intermarried citizen? A Yes sir.  
By Mr. Smith:  
Q Did your wife apply for enrollment? A Her mother has a claim on file here, so I understand.

Com'r Needles: William H. Robinson applies for the enrollment of himself and wife and seven children; to-wit: James A., Jennetta, Charles S., Ollie, Amanda E., John S., and William D. Robinson; he avers that he is a free colored person, never a slave, and was a resident of the Cherokee Nation before the adoption of the treaty of 1866; he went out of the Cherokee Nation during the war between the North and the South and returned in the year 1866; he avers that he was married to one Millie Bill, a non-citizen; he however avers that his wife is an applicant or has a claim for citizenship; he presents no proof whatever as to the citizenship of his wife, and her name cannot be found upon any of the rolls of the Cherokee Nation now in the possession of this Commission; he makes verbal proof of his marriage to his wife, Millie, more particularly shown in the testimony; he also files certificate signed by Joe M. Lahay, Clerk of Cooweescoowee District, certifying that he was married in accordance with the laws of the Cherokee Nation on the 10th day of March, 1897, to one Millie Robinson, nee Bill, a citizen of the United States, said certificate being recorded on page 123, book E, of marriage record of Cooweescoowee District; upon examination of the rolls of the Cherokee Nation his name cannot be found upon the authenticated roll of 1890, but he is duly identified upon the Kern-Clifton and the Wallace rolls, and his children are duly identified upon said roll, with the exception of the youngest child, William D., three years of age, which makes it necessary for him to file satisfactory proof of marriage of said child; consequently, said William H. Robinson and his children as enumerated herein, will be duly listed for enrollment as Cherokee Freedmen upon a doubtful card, and his wife, Millie, will be duly listed for enrollment as Cherokee Freedmen by intermarriage or by her inherent rights, as the testimony may develop; he will be duly notified by mail of the action of the Commission on his application when arrived at.

APPLICANT re-called, supplemental examination  
By Mr. Smith:

- Q Did you ever have any law case, law case tried in the Cherokee court? A No sir.

By Com'r Needles:

Q Ever vote in the Cherokee Nation? A Yes sir.

Mr. Davenport:

Q Who did you vote for? A I don't know how many.

Q Joe Lahay? A No, I wasn't don't know as I voted for Joe Lahay to get him to sign anything for me.

Q Who did you vote for? A I voted for the treaty, and I voted for Mr. Buffington and I voted for you when you was running.

Q Are you sure of that now? A I know it.

By Com'r Needles:

Q Was Davenport's majority over one? A I don't know that.

Q If it wasn't over one we could throw him out, because yours was illegal, eh? A (No reply).

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, M. D. Green.

Subscribed and sworn to before me this June 27, 1901.

Signed, T. B. Needles,

Commissioner.

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Supplemental Testimony.

P. D. 1874

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Nowata, I. T., June 27th, 1901.

Supplemental testimony in the matter of the enrollment of William H. Robinson as a Cherokee Freedman introduced on the part of the applicant:

WILLIAM FOREMAN, being duly sworn by Commissioner T. B. Needles, testified as follows:

A. Presence:

Messrs. Hallett & Smith, for Applicant.

Messrs. Hastings and Davenport, for Cherokee Nation.

By Mr. Smith:

Q State your name? A William Foreman.

Q Where do you live, Mr. Foreman? A Near Vagoner.

Q How long have you lived in the Cherokee Nation? A 64 years a little over.

Q Are you a citizen of the Cherokee Nation? A Yes, sir.

Q Citizen by blood? A Yes, sir.

Q Do you know this applicant, William H. Robinson? A Yes, sir.

Q How long have you known him? A First knew him in '32.

Q Where? A Long Country on Indian Creek.

Q In the Cherokee Nation? A Yes, sir.

Q How long did you know him? A With his father and mother.

Q How long did you know him? A With his father and mother.

Q How long did you know him? A With his father and mother.

Q How long did you know him? A With his father and mother.

Q How long did you know him? A With his father and mother.

Q How long did you know him? A With his father and mother.

Q How long did you know him? A With his father and mother.

Q Well, how old was William when you saw him in '46, after the war here? A He was a young man probably 18, 17 or 19, somewhere along there, a young man.

Q Did you meet the wife of Lamford, did you know his mother?

A Yes, sir, I saw her at Fort Scott in '52.

Q What was her name? A I could not tell you.

Q Where did you say you saw her in '52? A I left them at Fort Scott in '52.

Q Now, were you acquainted with his mother before the war?

A No, sir, only at Lees country in '52.

Q Where was that? A Working there.

Q And they were these colored persons you say? A Yes, sir, they claimed to be from Arkansas.

Q Well, you were acquainted with this country? A Yes, sir.

Q You know whether they belonged to anybody? A They didn't belong to anybody in this country that I knew of.

By Mr. Hastings:

Q Then did you say you knew the applicant first? A I first saw him in '52 at Lee Schrimsher's.

Q Is that the first time you ever saw the applicant? A Yes sir.

Q You testified for him before the Kern-Clifton Commission? A Yes sir.

Q You testified that you saw him on Shoals Creek with Blye in '61?

A No, sir; some of that isn't correct.

Q How do you know this testimony isn't true? A I have seen it and know it is not true.

Q Where did you see a copy? A Some fellow had it there.

Q Fellow L. A. Bell? A I think so.

Q Where were you living in '61? A I was living on Poteau river about six or seven miles below Ghatopa.

Q What time of the year was it you saw this fellow? A Along in the fall.

Q How long did you see him there? A I saw him there two different times, I was passing there and stayed all night at Lees country one time.

Q Do you know where this family came from? A No, sir, only what they claimed.

Q What did they claim? A Claimed to come from Arkansas.

Q You swore that they refugees from Arkansas in '64 then didn't you? A I don't know.

Q Did Lee Schrimsher live on the line? A No, sir, lived on Big Cabin Creek.

Q Well, didn't you swear before that you saw this Robinson in '61 or 2 on the neutral land? A I don't think I did.

Q Well, do you deny that now? A Yes, sir, I do.

Q You admit though that you testified for them before the Kern-Clifton Commission? A Yes, sir.

Q Now how many did you see in '56 of this family?

A I could not tell, the old man and his wife and a lot of children, this boy and another he claimed to be his family.

Q I thought you said just now you never saw his father?

A I saw him at Lee Schrimsher's in '52.

Q I mean in '52? A I never saw him in '56.

Q Now, who did you see in '56? A I saw this boy and his brother.

Q Was he older or younger? A Older.

Q And you only saw this boy about in '63? A He came there to Lee Schrimsher's in May, '63.

Q How long did he stay in there? A I don't know, he come in.

Q Was Lee Schrimsher there? A No, sir.

Q Who was along with you? A A fellow named Suit, Dutchman.

Q Did he settle there with them? A He did that fall.

Q Where were you going? A I was going up to the Live Martin place.

Q Who was living there at that time? A Nobody.

Q Did you have a place there at that time? A First bought a place from Tom Hudson and I afterwards sold it to Bill Martin.

Q Was there a place made in '88? A Made before '88.

Q Was any crop in then, '88? A No, sir.

Q Did you ~~have any family with you?~~ put any in? A No, sir, I moved out there and intended to stay and they stold my cattle.

Q Did you have any family with you? A No, sir, just some work hands.

Q Well, how long after that was it before you saw this Robinson family? A The next time I saw this one was when Wallace had the Wallace Court.

Q You don't know what became of them between that and the Wallace Court? A No, sir.

Q Did you see any other members of the family in the meantime? A No, sir.

Q These two then were there alone? A Yes, sir, just the two, they claimed they was camped on Russell Creek; I don't know whether they was or not, I didn't see them.

Q How far was Lee Schrimsher's from Russell Creek? A About 25 miles.

Q Lee Schrimsher lived on Cabin Creek? A Yes, sir.

Q About how far from Vinita? A About ten miles.

Q There was nobody there in this house at that time? A No sir.

Q What were they doing down there? A They come there to see if Lee Schrimsher had come back for they wanted to get work.

Q There were five of these brothers applied before the Kern-Clifton Court? A I don't remember.

Q You charged them \$125 didn't you? A I think I did.

Q To testify in that case? A Yes, sir.

Q Are y<sup>e</sup> charging them anything this time? A No, sir; they paid my fare up here from Wagoner.

Q You were at Chelsea when this man applied? A No, sir; I was there three days at Chelsea and I understand he made application after I left there.

Q He was there while you were there? A Yes, sir.

Q And you saw him there? A Yes, sir.

By Mr. Smith:

Q Why did you charge him \$125 before the Kern-Clifton Commission?

A I thought it was right that I should have pay for my trouble running around tending to these courts, it cost me something to be here.

Q Where did you have to go to when you testified before the Kern Court? A I went from Wagoner to Lightning Creek, where the Court was held.

Q Was it at Lightning Creek he made his application? A Yes, sir.

By Mr. Hastings:

Q How far is it from where you lived to Lightning Creek?

A I come around by this place, I suppose it is about 25 or 30 miles. Applicant offers in evidence some permits issued by the authorities of the Cherokee Nation.

Counsel for Cherokee Nation objects to the introduction of said permits for the reason it is irrelevant, incompetent and immaterial.

Permits are permitted to be filed.

J. O. Roosen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 15th day of July, 1901.

Signed, J. O. Roosen.

Signed, F. J. Needles, Commissioner



COMMISSION TO THE UNITED STATES OF AMERICA

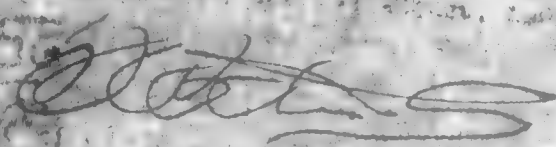
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PEOPLE

... says that as stenographer to the Commission to the United States he copied the foregoing, and that the same is a true and correct copy from the originals.

*Charles E. Jones*

Sworn to and subscribed before me this the 21st of August, 1901.



Commissioner.

NOT FOR THE UNITED STATES OF AMERICA



COMMISSION TO THE  
FIVE CIVILIZED TRIBES  
AUG 28 1901  
H. H. H. H. H.  
of himself and his brother John Hill; they are not  
identified on any of the rolls of the Cherokee Nation now in  
the possession of the Commission; he avers that he is the child  
of Mary Ann Robinson and that he is the nephew of William H.  
Robinson, the said William H. Robinson being a brother of his  
mother. The Commission is of the opinion that the weight of  
the testimony in this case will now justify the enrollment of  
the said William H. and John Hill, but atten-  
tion is called by the attorney for the applicants to the tes-  
timony of the said William H. Robinson on Cherokee Freedman  
Doubtful card #674, and reference is therefore made to said  
case and a copy of the testimony therein will be filed here-  
with, and the said William H. Hill and John Hill will for  
the present be listed as Cherokee freedmen on a doubtful card,  
and when the final decision of the Commission is arrived at he  
will be notified thereof by mail.

Chas. von Weise, being sworn states that as stenographer to  
the Commission to the Five Civilized Tribes he reported in full all  
the proceedings in the above cause and that the foregoing is a full,  
true and correct transcript of his stenographic notes therein.

Signed, Chas. von Weise.


Subscribed and sworn to before me this the 18th day of July, 1901.

Signed, T. B. Needles,  
Commissioner.

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Bruce C. Jones, being duly sworn, says that as stenographer to  
the Commission to the Five Civilized Tribes he copied the foregoing  
and that the same is a true and correct copy from the original.

Bruce C. Jones  
Sworn to and subscribed before me this the 26th of August, 1901.

  
Commissioner.

Department of the Interior,  
Commission to the Five Civilized Tribes.  
Nowata, I.T., June 28th, 1901.

In the matter of the application of William H. Hill for the enrollment of himself and his brother John Hill as Cherokee freedmen; he being sworn by Commissioner T. B. Needles, testified as follows:

Mellette & Smith for the applicant-  
W. W. Hastings for the Cherokee Nation-

By Com'r Needles-

- Q What is your name? A William H. Hill.  
Q How old are you? A I don't know exactly, about 33 or 4.  
Q What is your postoffice address? A Talala.  
Q In what district do you live? A Coowasecoowee.  
Q Do you want to be enrolled as a Cherokee freedman? A Yes sir.  
Q Who else do you want to have enrolled? A My brother.  
Q How old is he? A 20.  
Q What is his name? A John Hill.  
Q Have you been recognized by the Cherokee authorities as a Cherokee freedman? A I guess so.  
Q Is your name on the roll of 1880? A No sir.  
Q Is it on any of the rolls? A I don't know.  
Q What is your mother's name? A Mary Ann Robinson.  
Q What is your father's name? A Milton Hill.  
Q Are you married? A Yes sir.  
Q What is your wife's name? A Lottie Holmes when I married her.  
Q Do you apply for her? A Yes sir.  
Q Is she a citizen? A No sir.  
Q When were you married to her? A 5 years ago.  
I want let you apply for her, you married her too late and I would just have to reject her and it will only confuse the record and there is no use of it.

By Smith-

- Q Where do you live? A On Ganey river.  
Q How long have you lived there? A 16 or 17 years.  
Q Who did you say your mother was? A Mary Ann Robinson.  
Q Do you know William H. Robinson? A Yes sir.  
Q In what way is your mother related to him? A His sister.  
Q Have your mother any other brothers? A Yes sir.  
Q What are their names? A Tobe, Wealey.  
Q Robinson? A Yes sir.  
Q Has she any sisters? A Yes sir, Viney Martin and Marguerite Hill.  
Q How long have you lived in the Cherokee Nation? A Off and on all my life.  
Q Where were you born? A I don't know exactly.  
Q What is your information as to where you were born? A In Kansas.  
Q Do you know when your mother married your father? A No sir.  
Q Is your father alive? A Yes sir.  
Q Is your mother alive? A No sir she is dead.  
Q Do you know where she died? A In Kansas, I think.  
Q How old are you? A I don't know exactly, 33 or 4 somewhere along in there.  
Q How long have you lived at the place where you live now? A 15 or 16 years, somewhere along there.  
Q Are you on any of the rolls? A I don't know.  
The 1880, 1885, Kern Clifton and Wallace rolls examined and the applicant not found on either of them.  
Q You say you have been living off and on for 15 or 16 years where you do now? A Yes sir.  
Q How old were you when you went to live where you do now? A I don't know exactly how old I was.  
Q Well about how old? A 18 or 19 years.  
Q Where had you been living before that? A Just off and on in the

Cherokee Nation.

Q You had lived part of the time before that in the Cherokee Nation?  
A Yes sir.

Q And you had been out part of the time? A Yes sir.

Q Where had you lived in the Cherokee Nation before you lived where you live now? A On Big Creek.

Q Who with? A Sam Webber.

Q How long did you live with him? A Off and on about a year.

Q That was just before you went to where you live now? A Yes sir.

Q Have you ever lived anywhere else in the Cherokee Nation except these two places? A Yes sir, about 2 or 3 miles from there, I worked for Uncle Manuel Ward at his place.

Q Was that before you went to Sam Webbers? A No sir after.

Q Where did you live before you went to Sam Webbers? A I don't know exactly.

Q What kind of work did you do that time? A Farmed.

Q Did you have a place of your own or just hired out? A My mother had one and I just worked out.

Q What kind of work did you do? A Farmed and cutting wood.

Q How long have you been married? A 3 or 4 years.

By Hastings-

Q Are you called Harrison? A Yes sir.

Q Where were you married? A On Caney.

Q Have you a brother Jim? A Yes sir.

Q And one named Hayes? A Yes sir.

Q And one named John? A Yes sir.

Q There is five of your children? A Four of them.

Q These children are all younger than you? A Yes sir.

Q Where were you born in Kansas? A I don't know sir.

Q Where were your younger brothers born? A I don't know sir.

Q Weren't you there when they were born, you are the oldest? A Yes sir I am the oldest, I may have been away.

Q Wasn't you living with your mother when they were born? A Part of the time.

Q Jim is three years younger than you? A Younger than that.

Q Don't you know where Jim was born? A I guess he was born in Kansas.

Q Don't you know where Hayes was born, he is 8 years younger than you? A I guess he was born there too, I reckon.

Q Where was John born, he is 11 years younger than you? Was he born there too? A No sir here.

Q Your mother is dead? A Yes sir.

Q She died in Kansas? A Yes sir.

Q How long ago? A 12 or 13 years ago, I guess.

Q Were you living with her when she died? A Yes sir.

Q And up to the time she died? A Yes sir.

By the Commission-

Q Where did she die? A In Kansas.

Q Where did you marry? A On Caney.

Q In the Cherokee Nation? A Yes sir.

Q How long have you lived in the Cherokee Nation? A 16 or 17 years; maybe longer than that.

Q Who with? A With my uncle.

Q Where has John been living? A With my father in the Cherokee Nation.

Q Did you ever live with your father? A Yes sir.

Q In the Cherokee Nation? A Yes sir.

Q When did he come to the Cherokee Nation? A He come off and on all the time.

Q Where was he when your mother died? A In Kansas.

Q She never come here at all? A Yes sir she come before I was born.

Q But you were born in Kansas? A Yes sir.

replant of himself and his brother John Hill; they are not identified on any of the rolls of the Cherokee Nation now in the possession of the Commission; he avers that he is the child of Mary Ann Robinson and that he is the nephew of William H. Robinson, the said William H. Robinson being a brother of his mother. The Commission is of the opinion that the weight of the testimony in this case will now justify the enrollment of ~~the said William H. Robinson and John Hill~~ the said William H. and John Hill, but attention is called by the attorney for the applicants to the testimony of the said William H. Robinson on Cherokee Freedman Doubtful card ~~for~~, and reference is therefore made to said case and a copy of the testimony therein will be filed herewith, and the said William H. Hill and John Hill will for the present be listed as Cherokee freedmen on a doubtful card, and when the final decision of the Commission is arrived at he will be notified thereof by mail.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Signed, Chas. von Weise.

Subscribed and sworn to before me this the 13th day of July, 1901.

Signed, T. B. Needles,  
Commissioner.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing and that the same is a true and correct copy from the original.

Bruce C. Jones

Sworn to and subscribed before me this the 26th of August, 1901.



Commissioner.

James Hill - 2.

will be filed in the Commission. He will now be listed for enrollment as a Cherokee on a doubtful card, and will be notified by mail of the action of the Commission in the premises.

Bruce A. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this the 11th of July, 1901.

Commissioner.



Department of the Interior,  
Commission to the Five Civilized Tribes,  
Nowata, I.T., June 28, 1901.

In the matter of the application of James Hill for enrollment  
as a Cherokee Freedman.

Appearances:

Mallette & Smith, attorneys for applicant;  
W. W. Hastings, of counsel for Cherokee Nation.

James Hill, being duly sworn and examined by Commissioner  
Needles, testified as follows:

- Q What is your name? A James Hill.  
Q How old are you? A About 37 I guess, 38, something like that.  
Q What is your postoffice address? A Talala.  
Q What district do you live in? A Cooweescoowee.  
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.  
Q Who do you desire to enroll besides yourself? A No one but  
myself.  
Q Your name appear upon any of the rolls of the Cherokee Nation?  
A I don't know, I don't think it is.  
Q What was your father's name? A Milton Hill.  
Q Is he living? A Yes, sir.  
Q What was your mother's name? A Mary Ann Robertson.  
Q Are you married? A No, sir.  
Q Ever been married? A No, sir.  
Mr. Smith: Mr. Hill, where do you live now? A Live on Jancy.  
Q In the Cherokee Nation? A Yes, sir.  
Q What is your postoffice? A Talala.  
Q How long have you lived there? A About 17 or 18 years I guess.  
Q Are you a brother of Hayes Hill, who just applied here a few  
minutes ago? A Yes, sir.  
Q Are you a brother of William Harrison Hill, who applied this  
morning? A Yes, sir.  
Q You say your mother was named Mary Ann Robertson before she married your father?  
A Yes, sir.  
Q Do you know William H. Robertson? A Yes, sir.  
Q Is he the same William H. Robertson who applied here for enroll-  
ment for himself, here at Oklawaha? A I guess so.  
Q Has he any brothers? A Yes, sir.  
Q What are their names? A Rebe and Wesley Robertson.  
Q What are Wesley's initials, do you know? A No, I don't know.  
Q Called Wesley, isn't he? A Yes, sir.  
Q What relation are they to you? A They are my uncles.  
Q You were born in Kansas? A Yes, sir.  
Q When did you move to the Cherokee Nation? A Oh about, I guess  
about 17 or 18 years ago.  
Q Been living here ever since that time? A Yes, sir.  
Q Never married? A No, sir.

The rolls of Cherokee Freedmen in the possession of the Com-  
mission examined, and the applicant not identified on any roll.

Commissioner: James Hill applies for the enrollment of  
himself. He cannot be identified upon the authenticated roll  
of 1888 or the census roll of 1898, or upon any of the rolls  
of the Cherokee Nation now in the possession of the Com-  
mission. He avers that he is the child of Milton Hill and  
Mary A. Robertson. Reference is made to the testimony taken  
in the matter of the enrollment of William H. Robertson and Har-  
rison Hill, who are listed for enrollment as brothers and are  
respectively, and said testimony will be made part of the record  
in the case at bar, and a copy of the testimony in each case

James Hill - 2

will be filed herewith. He will now be listed for enrollment as a Cherokee Freedman on a consular card, and will be notified by mail of the decision of the Commission in the premises.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this 11th of May, 1904.

[Signature]

Commissioner

R  
U.F.D-674

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., March 24 1902.

Supplemental testimony on behalf of Cherokee Nation, in the matter of the application of William H. Robinson for the enrollment of himself, wife and children as Cherokee Freedmen.

Appearances:

Mr. Mellette, or Mellette & Smith, Vinita, I.T., attorneys for the applicants;  
W.W.Hastings, attorney for the Cherokee Nation.

Elizabeth Davis, being first duly sworn, and being examined testified as follows:

By Mr. Hastings:

- Q What is your name? A Elizabeth Davis.
- Q What is your age, Mrs. Davis? A 57.
- Q What is your post-office address? A Fort Scott, Kansas.
- Q How long has Fort Scott been your post office? A Since '63.
- Q You formerly lived in this country? A Yes sir.
- Q Do you know a coloredman by the name of Mumford Robinson? A Yes sir.
- Q When did you learn to know him? A In 1863. He was at Fort Scott, when I left.
- Q Did you continue to live there during the war? A Yes sir.
- Q And after the war? A Yes sir, I lived up there right along.
- Q Do you know his wife? A Yes sir.
- Q What is her name? A Anna.
- Q Do you know any of his children? A Yes, I knew his children.
- Q You know any of their names? A Had one named Lizzie, and a boy named William and one Jim and Tobe and Wesley, and I don't know, he had whole house full.
- Q How long did you continue to know this family at Fort Scott, Kansas? A I knew him from '63 down to the winter of '69.
- Q Did you know them continuously? A Yes sir, they lived right there; I was about two blocks away from them.
- Q Did you have occasion to see them frequently? A Yes sir, I saw them pass, they would have to pass my house to go to town.
- Q You know where they went to from there or where they were gone? A I don't know where they went to.
- Q You know whether they had a house there or not? A Yes sir, they owned their home there; they bought their house; I don't know whether they bought a lot and built the house or whether they bought the house, I couldn't say, it was just a frame building, that was there when I left; I know they owned that and sold it.
- Q You positive that they lived there until the fall or winter of '69? A Yes sir, I am positive; how that is, Mrs. Runyan - her father, Mr. Anthony died in July, 1869, and they was there then, and in the fall the boys helped dig the potatoes and gather the crop; him and his son Walter Runyan both died the same month, and left the widow woman and the girls and she got these boys to gather the crop.
- By Mr. Mellette:
- Q Are you a white woman? A Yes sir.
- Q You are of white blood? A Yes sir.
- Q You are not of Cherokee blood? A No sir.
- Q This W. H. Robinson you have been talking about? A W.H. Robinson is Mumford's Robinson's son.
- Q Where is Mumford Robinson? A I don't know.
- Q Is he alive or dead? A I don't know.
- Q When did you see him? A I haven't seen him since '69, or heard of him.



Q You don't know whether the applicants here are the persons you knew in Fort Scott or not do you? A I know that Mumford didn't, I knew that; I don't know whether these are them or not.

Q You don't know whether the Mumford Robinson they talked about in the testimony is the Mumford Robinson you knew at Fort Scott, do you? A I don't know, no sir.

Q Were you ever married? A Yes sir.

Q Married now? A No sir, I am a widow woman.

Q Who was your husband? A E. S. Davis.

Q Ever married to any one else? A No sir.

Q Did you at one time live with a man named Alonzo Manley? A No sir.

Q You swear you didn't? A I swear I didn't live with him in the world. Lived with Alonzo Manley, what are you talking about?

Q I just asked you that question? A Well indeed I guess I didn't.

Q Did you know him? A Yes sir, I knew him.

Q Where did you know him? A I knew him from '63 until '70, along in '70's somewhere.

Q How long has it been since you saw Mumford Robinson? A '89.

Q How long has that been? A I don't know; I haven't counted it up.

Q Well try to count it up? A 32 years or 33.

Q Now can you remember back every person that you saw in '69, 32 years ago? A Well I could remember their names and remember seeing them.

Q Can you remember when you last saw everybody that you saw in '69? A Yes, I can remember when I last saw them for I last saw them when they was gathering those potatoes; that is the last time I saw those boys.

Q You remember you saw Mumford Robinson dig potatoes in '69? A I saw the two boys and their mother I told you.

Q Did they ever dig potatoes at any other time? A Not that I know of.

Q Why do you remember that was in '69? A These girls father died in '69 and it is there in the Bible.

Q Where is the Bible? A Mrs. Anthony's house; I know they dug potatoes at that time.

Q You didn't bring the Bible with you? A No sir.

Q Maybe that is like the Bible that was not made in '67? A Probably it is, but it is there and can be produced just the same.

Q You didn't bring it with you did you? A No sir.

Q When were you first asked about this matter? A I don't know; sometime in December I guess, or January.

Q Some time last January, is that the first time that you were asked about when you saw Mumford Robinson last? A Yes sir, that is the first time.

Q You never had this matter called to your attention until then? A No sir.

Q That was nearly 32 years after you had seen him there that you were asked about it? A Yes sir.

Q And then 32 years after that you remembered back about the boys digging potatoes 32 years before? A Yes sir, I remember the family well, because when I first went to Fort Scott there wasn't very many.

Q How much did you get for coming down here? A I haven't got anything yet.

By Mr. Hastings: I object to that; it is insulting to the witness.

Q Who first asked you about this matter? A I don't know, I suppose the Judge of the Cherokee Nation.

Q Who is it, what is his name? A Mr. Keyes.

Q Did he tell you he was the Judge of the Cherokee Nation? A No, he didn't tell me so.

Q What makes you call him Judge of the Cherokee Nation? A I have learned it since.

By Mr. Hastings: That is not proper cross-examination of this witness.

A I am going to tell you I knew Judge Keyes before the war; he

was in the army with my brother.

Q He is the man that came to you and asked you about them? A Yes sir.

Q 38 years and nobody had ever called your attention to this fact before that time had they? A No sir.

Q Then you remember back there it was in '69 the boys dug potatoes for you? A They didn't dig for me at all, they dug for Mrs. Anthony.

Q How many cases have you been a witness here in? A -

By Mr. Hastings: I submit this is not proper cross-examination, and I object to it.

By Commission: The objection will be noted; answer the question.

Q How many have I? Three besides this I believe.

Q Who were they?

By Mr. Hastings: I submit that that is not proper cross-examination; I object to it.

By Commission: Objection noted; answer the question.

By Mr. Mellette: I have got the right to ask questions touching the knowledge of this witness in the matter that brings her here.

A I think it was Mrs. Nancy Thompson, Mrs. Gales and the Alonzo Manley case.

Q How old did you say you are? A 57.

Q Were you married in '69? A No sir.

Q How long after that did you marry? A I married in '70.

Q What time in '70? A In March, 1871.

Q What day of March? A 15th of March.

Q Have you ever been married any more since that time? A No sir. My husband has been dead now three years.

By Mr. Hastings: I desire to introduce a certified copy of this contract. ( Hands paper to Mr. Mellette. )

By Mr. Mellette: I object to the introduction, because it does not show where Mumford Robinson lived at the time he made it, and it does not show that it is the Mumford Robinson that was mentioned in the testimony.

By Mr. Hastings: The representatives of the Cherokee Nation desire to call attention to the fact that it does say Mumford Robinson and Annie Robinson of the County of Bourbon, and State of Kansas.

By Commission: There is offered in evidence by the representative of the Cherokee Nation a Warranty Deed made by Mumford Robinson and Annie Robinson, his wife of the County of Bourbon, State of Kansas, on the 7th day of December 1869; same is filed herewith.

Minerva Runyon, being first duly sworn and being examined testified as follows:

By Mr. Hastings:

Q What is your name? A Minerva Runyon.

Q What is your age? A 48, in my 48th year.

Q What is your postoffice address? A Fort Scott, Kansas.

Q How long have you lived at Fort Scott, Kansas? A Well I lived there since 1868.

Q Do you know a coloredman up there by the name of Mumford Robinson? A I do sir.

Q Do you know his wife? A Yes sir.

Q What was her name? A Her name was Annie.

Q Did you know any of their family? A I do.

Q Name as many of them as you can remember now? A William, James, Alonzo, Patette, Icha and Wesley, that was the boys in the family, and there was Elisabeth Jane and Mary and Martha and Melvina, them was the girls.

Q Who did Melvina marry? A I don't know.



- Q Did you ever know one of them married Mr. Hill? A Yes sir.
- Q What was her name? A Mary Ann.
- Q When did you first learn to know this family? A In '82 when I came there they was there.
- Q Neighbors from '82 until '89 continuously? A Continuously, they might have been there a little longer than that, but that much any way.
- Q How do you fix the date, Mrs. Runyon, that you knew them? A Well I fix the date by father's death.
- Q When did your father die? A Father died July 13th, 1869.
- Q Do you know they were living there then? A They were living there; he raised a little crop and these boys helped us children gather our potatoes, as much as I can remember it was Frank and Tobe.
- Q How far did the family live from you? A They lived just the next, there was one lot, a fifty foot lot between us.
- Q Was that vacant or did it have a house on it? A I think there was a house partly on it; there was quite a space between their lot and our lot.
- Q You are a citizen of the State of Kansas? A Yes sir.
- Q Don't claim citizenship down here? A No sir.
- Q You came down here by a subpoena as a witness? A I did.
- Q You knew the family well I suppose? A I knew the family well.
- By Mr. Mellette:
- Q You are a white woman? A I am a white woman.
- Q Did you say your age was 40? A My age is 48, in my 48th year.
- Q Have you ever seen any of the Robinson family you are talking about since the time you saw them in Fort Scott? A I saw Mary Ann on the street in Fort Scott, Kansas.
- Q They are colored people? A Yes sir.
- Q How is it you remember the names of the children 32 years? A Because I played with them. We was children together and I played with them. I remember them distinctly.
- Q Have you read the testimony given in this case since you came here, has it been read to you? A The testimony?
- Q Yes, that they gave, giving the names of the children? A No sir.
- Q Have you had the names called to your attention since you came here the names of these children? A I don't think I have.
- Q You could remember the names of those children 32 years? A Indeed I could, every one of them.
- Q You have remembered them that long? A I have remembered them that long.
- Q How old were you when your father died? A I was a girl of about 15 years, 14 or 15 years.
- Q And you remember the names of children 32 years you haven't seen since that time? A I do.

By Commission: This testimony will be filed and made a part of the record in the following Cherokee Freedmen cases: D-677, D-686, D-687, D-689, D-937, D-939, D-942 and D-1018.

I, M.D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M. D. Green.

I, the undersigned stenographer to the Commission to the Five Civilized Tribes, do hereby certify that I ~~made the foregoing copy~~ made the foregoing copy and that the same is a true and complete copy of the original manuscript.

*E. L. Hubbard*

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

*E.H.*

In the matter of the application for the enrollment of  
William H. Hill et al., as Cherokee freedmen, consolidating the applica-  
tions of

William H. Hill et al - - - - Cherokee Freedmen D 937  
Hayes Hill et al - - - - Cherokee Freedmen D 939  
James Hill - - - - - Cherokee Freedmen D 942.

DECISION.

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by William H. Hill for himself, and his brother John Hill; by Hayes Hill for himself and his minor child Ethel Hill; and by James Hill for himself. Proof of the birth of said Ethel Hill was filed with the Commission and is made a part of this record. A copy of the testimony taken at various times in the case of William H. Robinson et al., Cherokee Freedmen D 674 is made a part of the record herein.

The evidence shows that all the applicants herein were born since 1865 and are, except the said Ethel Hill, the children of Mary A. Robinson, now deceased, and one Milton Hill, now deceased, a non-citizen; that the said Ethel Hill is the daughter of said Hayes Hill and his wife Elsie Hill, a non-citizen, and that all the applicants claim right to enrollment as descendants of the said Mary A. Robinson.

The evidence further shows that the said Mary A. Robinson was a free colored person residing in the Cherokee Nation at the commencement of the rebellion; that she went to the State of Kansas during said war, but did not return to the Cherokee Nation within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs the Cherokee Nation et al., for the return of freedmen to said Nation.

The evidence further shows that said Mary A. Robinson together with her father, Mumford Robinson, and family resided continuously in the State of Kansas from the time they left the Cherokee Nation until sometime in the year 1869; that afterwards the said Mary A. Robinson resided in the State of Kansas in which State the said William H. Hill, Hayes and James Hill were born; that the said Mary A. Robinson died about eighteen or nineteen years ago in said State of Kansas; and that sometime after her death the said William H., John, Hayes and James Hill came to the Cherokee Nation. The said Ethel Hill was born in the Cherokee Nation, and all the applicants herein are now residents of said Nation. The names of none of the applicants herein can be found on the 1860 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the application of William H. Hill, John Hill, Hayes Hill, Ethel Hill and James Hill for enrollment as Cherokee freedmen, should be denied under the provisions of section twenty-one of the act of Congress approved June 20, 1892 (20 Stats., 494), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED

*Tame Dixby.*

Chairman.

SIGNED

*I. B. Needles.*

Commissioner.

SIGNED

*C. R. Breckinridge.*

Commissioner.

SIGNED

*W. E. Stanley.*

Commissioner.

Dated at Muskogee, I.T.

MAR 5 1904

712942

D. ....

INDIAN TERRITORY,  
CHEROKEE NATION.

I hereby certify that I served the with-  
in notice on.....

by delivering a true copy thereof on the  
.....day of..... A. D. 190...

Given under my hand this.....  
day of..... A. D. 190...

Marshal for the Cherokee Nation.

I, the undersigned attorney for the  
within named applicant, hereby accept  
service of the within notice on this the

.....day of SEP 23 1901..... 190...

*Mellott & Smith*

Attorney for applicant.

UNITED STATES OF AMERICA, }  
INDIAN TERRITORY, } s. s.  
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a  
true copy of the within notice to.....

on the.....day of..... A. D. 190...

Subscribed and sworn to before me  
this.....

Notary Public.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED  
SEP 24 1901

## NOTICE!

*IN THE MATTER OF* the application of James Hill  
for enrollment as Cherokee citizens;

Case No. D 942

To James Hill or Mellette & Smith his Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 22d 1901 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept 21st 1901.

L B Bell

W. W. Hastings

Attorneys for the Cherokee Nation.



# **NOTICE.**

## **Cherokee - Freedmen - Enrollment.**

The Commission to the Five Civilized Tribes will continue in session at

**MUSKOGEE, IND. TER.,**  
from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. James Hill,

Talala, I. T.

Cherokee F-D-942

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

10

30942

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
FILED  
JUN 28 1901

RECEIVED

  
ATTORNEY GENERAL

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date

Post Office

District

June 28<sup>th</sup> 1901  
Salala, Ala.  
No. 200

1. Name

Owner's name

Year

Page

No.

District

Age

Citizenship

Parents:

Father

Mother

Citizenship

Citizenship

Employed

2. Name of wife

Owner's name

Year

Page

No.

District

Age

Citizenship

Parents:

Father

Mother

Citizenship

Citizenship

Names of Children:

*[Large handwritten signature across the children section]*

3.

Year

Page

No.

Dist.

4.

Year

Page

No.

Dist.

5.

Year

Page

No.

Dist.

6.

Year

Page

No.

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7.

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11.

Year

Page

No.

Dist.

12.

Year

Page

No.

Dist.

Application made by

No. 1

Stenographer

W. D. Jones

701 to 1007A & 10937

Reg. by Mellette & Smith, Vinita, Okla.

3  
X 00142  
DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED  
SEP 20 1901

 ACTING CHAIRMAN

COMMISSIONERS,  
HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, Aug 12, 1901

Received of the Commission to the Five Civilized  
Tribes one copy of the testimony in the matter of the  
application of James Hill for en-  
rollment as Cherokee Freedman.

CHEROKEE FREEDMAN

AD 942

Wesley L. Smith  
Attys for applicant



COPY.

Cherokee F.D-942

Muskogee, Indian Territory, March 16, 1904.

James Hill,

Talala, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, rejecting, among others, your application for enrollment as a Cherokee Freedman. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Register.

Enc. G-23

*C. R. Brookins*  
Commissioner in Charge.

COPY.

Cherokee F.D-937,  
D-939, D-942.

Muskogee, Indian Territory, March 16, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,  
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, in the consolidated case of William H. Hill, et al., rejecting the applications for the enrollment of William H., John, Hayes, Ethel and James Hill, as Cherokee Freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

*O. R. Breckinridge.*

Commissioner in Charge.

Enc. C-254

CPX:  
Cherokee F.D-937,  
D-939 & D-942

Muskogee, Indian Territory, March 16, 1904.

Edgar Smith,

Attorney for William H. Hill, et al.,  
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 3, 1904, in the consolidated case of William H. Hill, et al., rejecting the applications for the enrollment of William H., John, Hayes, Ethel and James Hill, as Cherokee Freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Register.

Enc. G-24

*C. S. Johnston*  
Commissioner in Charge.

COPY.

Cherokee F.D-927,  
D-939 & D-943

Muskogee, Indian Territory, March 18, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of William H. Hill, et al., including the Commission's decision, dated March 5, 1904, rejecting the applications for the enrollment of William H., John, Hayes, Ethel and James Hill, as Cherokee Freedmen.

Respectfully,

Through the

*C. E. Smith*  
Commissioner in Charge.

Commissioner of Indian Affairs.

Enc. G-25

Refer in reply to the following:

Law.  
19879/1904.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,

(C O P Y )

WASHINGTON, June 18, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith the report from the Commission to the Five Civilized Tribes, dated March 16, 1904, transmitting the record relative to the application of William H. Hill, et al, for enrollment as Cherokee freedmen. William H. Hill applied for the enrollment of himself and his brother, John Hill; Hayes Hill applied for the enrollment of himself and his child, Ethel Hill; James Hill applied for the enrollment of himself. Birth affidavit of Ethel Hill appears in the case.

William Hill, John and Hayes Hill, are children of Mary A. Robinson, deceased, and Milton Hill, also deceased. Milton Hill was a non-citizen. Ethel Hill is the daughter of Hayes Hill and Elsie Hill, his wife, a non-citizen. All of the applicants claim right to enrollment by reason of descent from Mary A. Robinson.

The testimony in the matter of the application of William H. Robinson, et al, for enrollment as Cherokee Freedmen, is made a part of the record in this case, and it shows that Mary A. Robinson and her father, Mulford Robinson, were free colored persons residing in the Cherokee Nation at the commencement of the Rebellion; that during the war they left the Nation and did not return until 1865.



In view of the record, the approval of the Commission's  
decision of March 5, 1904, adverse to the applicants, is recommended.

Very respectfully,

A. C. Towner.

Acting Commissioner.

DAW-H

Cherokee Freedmen

B-942.

Muskogee, Indian Territory, August 4, 1904.

James Hill,

Talala, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated March 3, 1904, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on July 1, 1904.

Respectfully,

Commissioner in Charge.

Charlene Freedman  
D-127 D-939 D-942,

Enstogen, Indian Territory, August 4, 1904.

Edgar Smith,

Attorney for William H. Hill, et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated March 8, 1904, in the consolidated case of William H. Hill, et al., rejecting the applications for the enrollment of William H., John, Hayes, Ethel and James Hill as Cherokee Freedmen, was affirmed by the Secretary of the Interior on July 1, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen

D-937 D-938 D-942

Muskogee, Indian Territory, August 4, 1904.

Hastings, Bell & Davenport,

Attorneys for the Cherokee Nation,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision, dated March 5, 1904, in the consolidated case of William H. Hill, et al., rejecting the applications for the enrollment of William H., John, Hayes, Mahel and James Hill as Cherokee Freedmen, was affirmed by the Secretary of the Interior on July 1, 1904.

Respectfully,

Commissioner in Charge.



Cherokee Freedmen  
R-440

Muskogee, Indian Territory, May 28, 1906.

James Hill,

Talala, Indian Territory.

Dear Sir:-

You are hereby advised that the motion filed by  
your attorneys September 7, 1905, for a review in your Cherokee  
freedman enrollment case, was dismissed by the Department  
May 2, 1906.

Respectfully,

Commissioner.

LMC



Muskogee, Indian Territory, May 23, 1906.

Blue & Bulger,

Attorneys for Eliza A. Arnold, et al.,

Vinita, Indian Territory.

Gentlemen:

You are advised that this office is in receipt of Departmental letter of May 2, 1906, a copy of which is enclosed herewith, denying motions filed by you September 7, 1905 for review in the Cherokee Freedmen enrollment cases of Eliza A. Arnold and others named in said letter.

Respectfully,

Commissioner.

MMF

Hastings, Indian Territory, May 29, 1906.

Bell, Hastings & Devonport,

Attorneys for Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:-

You are advised that this office is in receipt of Departmental letter of May 2, 1906, a copy of which is enclosed herewith, denying motions by Blue & Bulger, filed September 7, 1905, for review in the Cherokee Freedmen enrollment cases of Eliza A. Arnold and others named in said letter.

Respectfully,

Commissioner.

ENC



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Reg  $\frac{31}{30}$

Mr. James Henderson,

Talala, Indian Territory.

SEP 24 1900

2285

4942

Cher. Fr. R. 441

See Cher. Fr. R. 440-2  
D 674

Cher. Fr. R. 441

-12-

Brooks, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing, and that the same is a true and correct copy from the originals.

*Alvin C. Brooks*  
seen to and subscribed before me this 21st of August, 1901.

*Alvin C. Brooks*  
Commissioner.



File with Cherokee Freedmen D-937, *Chas. A. Hill*

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Oklahoma, T.F., June 11, 1901.

In the matter of the application of William Henry Robinson for the enrollment of himself and seven children as Cherokee Freedmen, and for the enrollment of his wife, as an intermarried Cherokee Freedman: Being sworn and examined by Commissioner Needles, he testified as follows:

Appearances:

Mr. Smith, of Mellette & Smith, for the applicants;  
Mr. Davenport, for the Cherokee Nation.

- Q What is your name? A William Henry Robinson.  
Q How old are you? A I am about 48, or 9 years old, I don't know my age exactly.  
Q What is your postoffice? A Nowata.  
Q What district do you live in? A Cooweescoowee.  
Q You apply for enrollment as a Cherokee Freedman? A Free colored person living here at the commencement of the Rebellion.  
Q Who do you desire to enroll besides yourself? A Self and seven children.  
Q Give me the names of your children? A Jodie Ann.  
Q How old is she? A 26.  
Q She will have to enroll for herself, I want the children under 21? A James Aurelius.  
Q How old is he? A 16.  
Q Next? A Jennette.  
Q How old is Jennette? A 16.  
Q Next? A Charles S.  
Q How old is he? A 14.  
Q Next? A Amanda Elisabeth, 12.  
Q Next? A John Savannah.  
Q How old is he? A 10.  
Q Next one? A Ollie.  
Q How old is Ollie? A 8 years old.  
Q Next one? A Next is three years old, his name is William Dewey.  
Q That all? A Yes sir, that's all under age.  
Q Are you married? A Yes sir.  
Q Is your wife a citizen? A Claimant.  
Q What is your wife's name? A Millie Robinson, nee Hill.  
Q You don't apply for her, you say, has she been listed for enrollment? A No sir, she has not been listed yet, I can enroll her of course, she is married, been married twenty-eight years.  
Q Mr. Smith: Better apply for her.  
Q Can't: Applies for himself and wife Millie.  
Q Are these children all living? A Yes sir.  
Q They were all born in the Cherokee Nation? A Yes sir.  
Q Is your name on any of the rolls of the Cherokee Nation? A Two, I am satisfied.  
Q What rolls? A Wallace and Clifton.  
1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not identified thereon;  
1886 census roll of citizens of the Cherokee Nation examined and applicants not found thereon.  
Kerr-Clifton authenticated roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:  
page 121 William Robinson, Cooweescoowee District.  
Kerr-Clifton roll examined for applicant's wife and not found.  
page 121 Jim Robinson, Cooweescoowee District;  
page 122 Jennette Robinson, Cooweescoowee District;  
page 123 Charles Robinson, Cooweescoowee District;

Page 121 #3019 Amanda Robinson, Cooweescoowee District;

Page 121 #3020 John Robinson, Cooweescoowee District.

Page 121 #3021 Olive Robinson, Cooweescoowee District.

Q Is her name Ollie or Alvie? A Ollie.

Wallace roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:

Page 154 #3209 Wm. H. Roberson, Cooweescoowee District.

Wallace roll examined for applicant's wife Millie, and not identified thereon.

Q Did you draw Strip money for your wife? A No sir.

Examined by Attorney Smith:

Q Where were you living when the war commenced, the Civil War?

A Yes. of my recollection, I was living in Delaware District, on the place they call Beatty's Prairie, in the Cherokee Nation.

Q Who was your father? A Manford Robinson.

Q Who was your mother? A Annie Robinson.

Q You were a free colored person? A Yes sir.

Q You were here at the time the war commenced? A Yes sir.

Q Did you go out? A Yes sir.

Q Where did you go? A To Ft. Scott, Kansas.

Q When did you return first to the Cherokee Nation? A In May, '63.

Q Where have you been living since that time? A In the Indian Territory.

Q What Nation? A Cherokee Nation.

Q Have you any children now older than James A.? A Yes sir.

Q Name them? A Josie Ann and Eva Ellen.

Q Is Josie Ann married? A Yes sir, her name is Mozie Ann Slaughter

Q Where does she live? A At Dewey, Cooweescoowee District, Cherokee Nation.

Q What is your other daughter's full name? A Eva Ellen Anderson.

Q Tell her husband's first name? A Arthur.

Q What is Slaughter's first name? A Charlie.

Q Have they any children, either one of them? A Slaughter has a step-child.

Q But your daughter I speak of? A Yes, ma.

Q What is that child's name? A Smith. Married a second time; her first husband was Smith, second husband was Slaughter, that's the one she lives with now.

Q What is the christian name of the child? A Sadie.

Examined by Cherokee Representative, Davenport:

Q Now Robinson, you were living at what point in the Cherokee Nation when the war broke out? A I was living on the place they call Beatty's Prairie, near the neutral land in the strip, I think it is in Delaware District.

Q Who were living near where you were living at that time? A Old man named McGee is the only one.

Q Was that Jeff? A I don't know.

Q Was Joe Ward living there? A I don't know anything about that.

Q Where was Jim Yeargin's family? A I don't know.

Q How old were you when the war broke out? A Between seven and eight years old.

Q How old is your oldest child now? A 26.

Q You went out of the Nation during the war and to what point did you get? A Fort Scott.

Q How long did you stay at Ft. Scott? A During the war.

Q That's where you got acquainted with William Y. Foreman?

A First of my recollection; of course I had seen him before, but I didn't get acquainted with him.

Q You came back to the Cherokee Nation when? A In '63, May.

Q You came back before or after the Treaty was made? A After.

Q Did you come back in May? A May.

Q When you came back to what point in the Cherokee Nation did you come? A Big Cabin Creek, not very far from Lee Schrimsher's old place.

Q Who was living on the Lee Schrimsher place at that time, if any

one? A Mr. Foreman, I believe.

Q Where was Hewt Schrimsher when you came back? A My recollection is he lived over east somewhere, I don't know where.

Q Where was Reuben Sanders, and Solon James? A I don't know a thing about Solon James, but I remember Reuben Sanders and then, they lived on Big Creek. I don't know whether they came there after, or I think it was just about the time I moved in here.

Q William Foreman, did he live in Coowesscoowee or Delaware District at that time? A He lived in Coowesscoowee.

Q He is the same William Foreman that you and your brothers and sisters gave the one hundred and twenty-five dollars to to swear for you in the Kern-Clifton enrollment isn't he? A Same man.

By Mr. Smith:

Q What did you give him \$125 dollars to swear for you for? A That's his price, he charged that, and more than that he was to follow the court in case of rebuttal he was to see that we wasn't injured, and he had to travel backwards and forwards on the railroad and pay his expenses, consequently we just volunteered to give him that amount.

Q Who is William Foreman? A A Cherokee man.

Q Was he acquainted with the facts in your case? A Yes sir.

Q Did you hire him to swear to anything that wasn't the facts? A No sir.

By Mr. Davenport:

Q You just simply hired him to represent, he your brains? A No sir.

Q Was that Mr. Blythe living there near you before the war? A No sir.

By Com'r Needles:

Q This man Foreman, he was also acting kind of attorney was he?

A Might determine it that way, children you know, our parents deceased.

Q Was anybody else included in that \$125 dollar besides your family? A No sir.

By Mr. Smith:

Q Was Foreman an older man than you? A Yes sir indeed.

Q You say he was acquainted with the facts in your case?

A Yes sir.

Q Did he demand that much from you? A He thought it ought to be worth about that much.

Q He know the facts in your case, were there any witnesses who did know the facts? A There was two others we had that was acquainted with them.

Q That matter of paying Foreman wasn't before this Commission?

A No sir.

Q That was at another time, when the Clifton roll was made?

A Yes sir.

LEWIS WHITMIRE, being sworn by Com'r Needles, testified:

By Mr. Smith:

Q State your name? A Lewis Whitmire.

Q Where do you live? A On Lightning Creek.

Q What is your postoffice? A Hayden.

Q What is your age? A 82 years old.

Q You know this applicant, William H. Robinson? A Yes sir.

Q How long have you known him? A I don't know exactly, I guess it has been about 50 or 6 years.

Q Did you know him before the war? A No sir, I knew him in time of the war.

Q Where was he in time of the war? A He was at Ft. Scott.

Q When did you first see him in the Cherokee Nation after the war? A First place I saw him was out here about a mile and a half south-west of Timbered Hill.

Q How far from Chelsea is Timbered Hill? A I don't know how far

-22-

it is from here, the place I saw him is about eight miles north-west of Vinita.

Q When did you see him first? A It was the winter of '86, I don't know exactly what time; it was winter, I don't know whether it was December or January.

Q You remember how long it was from Christmas? A No sir, I don't remember how long it was until Christmas.

By Mr. Davenport:

Q You remember whether it was before or after Christmas? A I don't remember whether it was before or after Christmas.

Q You came back to the Territory in the summer of '86? A Yes sir I came back here in the summer of '86.

Q And it was sometime in the following winter you saw him? A Yes sir

Q You don't know what time? A No sir.

Q Nor what month of the year? A No sir, I don't.

By Mr. Smith:

Q Under what circumstances did you see him? A He was living with his father and mother in a old Government tent; camped right down in the bottom on the bank of Big Cabin Creek; I was horse hunting at that time.

HARRY STILL, being sworn by Com'r Needles, testified as follows:

By Mr. Smith:

Q State your name? A Harry Still.

Q Where do you live? A Hayden.

Q You know this applicant, William H. Robinson? A Yes sir.

Q How long have you known him? A Since '82.

Q Where was he in '82? A First time I saw him was on the neutral land when we started to Kansas.

Q Who was he with when you saw him first? A His mother and father, and his brothers and sisters.

Q What was his father's name? A Old man Robinson I always called him.

Q You remember his mother's given name? A No sir, I don't remember her given name.

Q When did you first see him in the Cherokee Nation after the war? A In the winter of '86, over here on Cabin Creek, first time, not far from the Mott Schrimsher place.

Q About what time was that? A It was along in the winter of '86 when I saw him there.

Q How many trips did you make back to the Cherokee Nation? A Three

Q When did you come back here the third time? A In the fall of '86

Q About what month? A Sometime in October I think.

Q About how long after that was it before you saw this man William H. Robinson? A Maybe I am mistaken, I went back after Aunt Nancy when she died up there at Timbered Hill and I found William and his folks up there then; it was getting kinder late in the year; near the old Schrimsher place.

Q And when was it you think? A Sometime in the winter or fall of '86, I think the last part of '86.

Q Was it before or after Christmas? A Before.

Q Before Christmas of '86? A Yes sir.

Q By your knowledge he has been living since that? A Yes sir.

Q About the time I saw him he was clearing a place after that about three miles from there, and then along in the summer of '86 he came back and he and his mother worked together up here on Snow Creek; I have been knowing him ever since; we worked there while, and he came back over here where he started a place over here on Cabin Creek, and I have been knowing him around in the Nation, I don't know any other places he did live, I have been him up here where he is living now.

Q How long has he been living where he is living now? A I don't



Q How long has he been living where he is living now? A I don't know exactly, I have knowed him out on Ganey awhile, living out there, and right around in the Nation here all the while, we worked together in '87.

By Conr's Needles:

Q When you talked about the neutral land, that was a claim considered part of the Cherokee Nation? A Yes sir.

By Mr. Davenport:

Q That is the first time you have ever testified for Robinson?

A Yes sir.

Q You was around with the Kern-Clifton Commission in 1896?

A Yes sir.

Q Mr. Robinson was there? A Yes sir.

Q You know he applied? A Yes sir.

Q They didn't use you then, they used W. Y. Foreman? A Yes sir, he had other witnesses.

Q You know the same facts then you know now? A Yes sir.

Q And never did tell them? A Nobody never did ask me to tell them.

Q How did it happen you was on Big Creek in the latter part of '88, and saw this fellow? A Went back to get my aunt.

Q Was there a road from Big Creek down towards Neosho River at that time? A No sir.

Q How did you happen to straggle on him? A It was right on my road, right across the prairie.

Q You never lived in that neighborhood towards Big Creek where Sam Webber lived? A No sir, I lived on middle prong of Lightning Creek.

Q How far from Hayden's postoffice? A Three or four miles.

Q And you were going up to Newt Schrimsher's place to get your aunt?

A Yes sir.

Q Was Robinson grown then? A He looked big as he is now, he was a good big fellow; when we went to Kansas together he was nearly grown.

Q Just at the breaking out of the war? A Yes sir, he was a young man, the other boys wasn't as large as he was.

Q You didn't know anything of them when the war broke out? A When we started to Kansas we got with the command taking refugee negroes out here, first time I saw William was up in the Neutral land, and we went together from there to Ft. Scott.

Q There was a whole lot of other colored people along? A Yes sir.

Q You remember him because he was nearly grown? A I remember him and his family because they was people I never forget.

Q What makes you think it was before Christmas in '88 that you saw them up there on Big Creek? A Because I am satisfied it was.

Q You have nothing to which to base your satisfaction? A I know I went after aunt Nancy and she was dead, and the result was I found them.

Q You know that was in the winter of '88? A Yes sir.

Q You know what time the applicant came back to the Cherokee Nation?

A No sir, I know I went with him, and that's what time I saw him over there.

Applicant, WILLIAM HENRY NORMAN, re-called and further examined, by Conr's Needles:

Q Where were you born? A In the Cherokee Nation.

Q Your father and mother free? A Yes sir.

By Mr. Davenport:

Q Your parents, were they alive then? A Not that I know of.

Q You didn't reside in Arkansas in '81? A No sir, I didn't know it.



FILMORE HICKS, being sworn by Gen'l Needles, testified as follows:

By Mr. Smith:

- Q State your name? A Filmore Hicks.  
Q Where do you live? A In Vinita now.  
Q How old are you? A 55.  
Q You know William H. Robinson, this applicant? A Yes sir.  
Q How long have you known him? A Ever since the winter of '67.  
Q You didn't know him before the war? A No sir.  
Q Did you know his father before the war? A No sir.  
Q Nor his mother? A No sir.  
Q You don't know where they lived before the war? A No, I don't know.

By Gen'l Needles:

- Q Are you a Cherokee citizen by blood? A Yes sir.  
Q You don't know whether this applicant was a slave before the war or not? A No sir.  
Q First time you saw him was in January, '67? A Yes sir.  
Q Where? A On Cabin Creek.  
Q Cherokee Nation? A Yes sir.

By Mr. Davenport:

- Q What was he doing then Gen, when you saw him? A They were camped on the Creek there when I saw them.  
Q You don't know where they had been during the war? A No sir.  
Q Had they just come from Kansas or some other place, or just seemed to be camping there? A They seemed to have been there somewhere.  
Q About a year? A No, not that long.  
Q What makes you think it was January, '67? A I can tell you; Bill Foreman, I had been hired to Bill Foreman, he moved to Big Creek and from Big Creek back to Cabin Creek; I had been working for him about three months I guess, right along, and I went home about the first of December, he owed me twenty-five dollars, he told me to come back after Christmas about the first of January, he didn't have any money, and I stayed there about four or five days waiting for him.  
Q Where was Bill Foreman living then? A On the John Foreman place.  
Q How far from the Lee Schrimsher place? A About two or three miles; while I was waiting there for Foreman and hunting around I run across this family; hunted on the creeks there and around through the country, nothing to do but hunt around.  
Q How far were they from the Lee Schrimsher or Foreman place when you run across them? A About a mile and a half.  
Q Did you work for Bill Foreman around the Foreman place in '66?  
A Yes sir.  
Q Did you see them there during that year of '66? A No sir.  
Q Were you following cattle around over the creeks? A Well, I was driving cattle for Foreman, and driving teams.  
Q You had been on the creeks around where you saw them in '67?  
A Not much, Foreman never left Big Creek until about December and he come to Cabin Creek, and about the first of December I went home, and about the first of January I come to get my money.  
Q Were you with Foreman from May to December, '66? A He never lived there up until then.  
Q Were you around the Schrimsher place from May up to '66? A I passed there twice.  
Q How far did you work from the Schrimsher place during '66?  
A About three or four miles down the creek.  
Q Did you see this applicant or his family about the Schrimsher place at any time during the year of '66? A No.  
Q How often did you say you passed the Schrimsher place? A I passed there twice. We come there as we moved over and when we come back we came back that way.

Applicant, WILLIAM HENRY ROBINSON, re-called and further examined, by Com'r Needles:

Q You present a marriage certificate certifying that you married your wife, Millie, did you ever have a license? A No sir, that is the first license I got.

Q Never had any license? A No sir, that's the first time we was married, we married only according to customs.

Q Was you ever married but once? A Yes sir, I married twice, but to the same woman.

Q What did you marry twice for? A She came in as a claimant, they failed to respect her such some years ago, and consequently we was advised to marry according to Cherokee laws.

Q When you marry according to Cherokee Law don't you have to procure a license? A That is all the license they claimed it was necessary for me to have.

By Mr. Smith:

Q Where did you marry your wife first? A In the Cherokee Nation.

Q How many years ago has that been? A 24 years ago.

Q Have you been living together as man and wife ever since that?

A Yes sir.

Q Who were you married by? A Brother named Nathan Duffin, a preacher.

Q Is he living or dead? A Dead.

Q Is there anyone here who saw you married? A I guess so, Thomas Mayfield was present.

THOMAS MAYFIELD, being sworn by Com'r Needles, testified as follows:

By Mr. Smith:

Q State your name? A Thomas Mayfield.

Q Where do you live? A On Grand River.

Q In what nation? A Cherokee Nation.

Q Do you know this applicant, William H. Robinson? A Yes sir, I know him.

Q You know his wife? A Yes sir.

Q Were you present when they were married? A Yes sir.

Q Who married them? A Nathan Duffin.

Q About how long ago has that been as well as you can remember?

A Right near fifteen or twenty years ago.

Q Might have been near that? A Might have been.

Q You don't know how long it has been? A No sir, I don't know exactly.

Q Was Duffin a preacher? A Yes sir.

Q Where were they married? A Married in my church house there on Grand river, Island Fork.

Devonport, Cherokee Rep'yo, waives examination.

Applicant, WILLIAM HENRY ROBINSON, re-called and further examined, by Com'r Needles:

Q When were you married the first time? A Married last day of August, '72, I believe.

Q You know the reason your name is not on the roll of 1880?

A No sir.

Q Did you ever apply to have it put down? A I applied and I supposed they put it on, but it failed to show up.

Q You applied did you? A Yes sir.

Mr. Smith offers a marriage license, and hands it to Mr. Devonport, for examination.

Mr. Devonport: The Representatives of the Cherokee Nation object to the introduction of the certificate of marriage offered, for the reason that at the time it was con-

outed there was no law in force in the Cherokee Nation authorizing the issuing of marriage certificates according to Cherokee law by which anyone marrying a recognized citizen could acquire property rights in the Cherokee Nation, the law having been repealed on December 16th, 1895, and for the further reason that there was no law authorizing a clerk to issue a certificate of marriage according to the laws of the Cherokee Nation to any parties other than recognized citizens of the Cherokee Nation, and if the clerk violated his duty it would give no force to the applicant in establishing his right as a free colored person at the breaking out of the war and residing in the Cherokee Nation, having returned in accordance with the Treaty.

Applicant examined by Com'r Needles:

- Q You apply for your wife as an intermarried citizen? A Yes sir.  
By Mr. Smith:  
Q Did your wife apply for enrollment? A Her mother has a claim on file here, so I understand.

Com'r Needles: William H. Robinson applies for the enrollment of himself and wife and seven children; to-wit: James A., Jennetta, Charles S., Ollie, Amanda E., John S., and William D. Robinson; he avers that he is a free colored person, never a slave, and was a resident of the Cherokee Nation before the adoption of the treaty of 1866; he went out of the Cherokee Nation during the war between the North and the South and returned in the year 1866; he avers that he was married to one Millie Hill, a non-citizen; he however avers that his wife is an applicant or has a claim for citizenship; he presents no proof whatever as to the citizenship of his wife, and her name cannot be found upon any of the rolls of the Cherokee Nation now in the possession of this Commission; he makes verbal proof of his marriage to his wife, Millie, more particularly shown in the testimony; he also files certificate signed by Joe M. Lahay, Clerk of Cooweescoowee District, certifying that he was married in accordance with the laws of the Cherokee Nation on the 10th day of March, 1897, to one Millie Robinson, nee Hill, a citizen of the United States, said certificate being recorded on page 127, book E, of marriage record of Cooweescoowee District; upon examination of the rolls of the Cherokee Nation his name cannot be found upon the authenticated roll of 1880, but he is duly identified upon the Kern-Elston and the Wallace rolls, and his children are duly identified upon said roll, with the exception of the youngest child, William D., three years of age, which makes it necessary for him to file satisfactory proof of marriage of said child; consequently, said William H. Robinson and his children as enumerated herein, will be duly listed for enrollment as Cherokee Freedmen upon a doubtful card, and his wife, Millie, will be duly listed for enrollment as Cherokee Freedmen by intermarriage or by her inherent rights, as the testimony may develop; he will be duly notified by mail of the action of the Commission on his application when arrived at.

Witness re-called, supplemental examination  
By Mr. Smith:

- Q Did you ever have any law case, law case tried in the Cherokee courts? A No sir.

By Com'r Needles:

Q Ever vote in the Cherokee Nation? A Yes sir.

Mr. Davenport:

Q Who did you vote for? A I don't know how many.

Q See Lahat? A No, I don't know as I voted for See Lahat to get him to sign anything for me.

Q Who did you vote for? A I voted for the Brexty, and I voted for Mr. Hufflington and I voted for you when you was running.

Q Are you sure of that now? A I know it.

By Com'r Needles:

Q Was Davenport's majority over one? A I don't know that.

Q If it wasn't over one we could throw him out, because yours was illegal, eh? A (No reply)

M. D. Green, being first duly sworn, states that as stenographer to the commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, M. D. Green.

Subscribed and sworn to before me this June 20, 1901.

Signed, T. B. Needles,

Commissioner.

Supplemental testimony.

F.D-674.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Nowata, I.T., June 27th, 1901.

Supplemental testimony in the matter of the enrollment of William H. Robinson as a Cherokee Freedman: introduced on the part of the applicant:

WILLIAM FOREMAN, being duly sworn by Commissioner T. B. Needles, testified as follows:

Appearances:

Messrs. Mellette & Smith, for Applicant.

Messrs. Hastings and Davenport, for Cherokee Nation.

By Mr. Smith:

Q State your name. A William Foreman.

Q Where do you live, Mr. Foreman? A Near Wagoner.

Q How long have you lived in the Cherokee Nation? A 64 years a little over.

Q Are you a citizen of the Cherokee Nation? A Yes, sir.

Q Citizen by blood? A Yes, sir.

Q Do you know this applicant, William H. Robinson? A Yes, sir.

Q How long have you known him? A First knew him in '62.

Q Where? A Near Wagoner, in Nowata Creek.

Q In the Cherokee Nation? A Yes, sir.

Q Who was he then? A With his father and mother, they were living there then.

Q What was his father's name? A Sanford I think.

Q What were they, Mr. Foreman, slaves or free colored persons? A My understanding is that they were free.

Q Where did you first see that family back in the Cherokee Nation after the war? A First saw this boy and his mother near Lees country in May, '62, but his father and mother I never saw since the war.



Q Well, how old was William when you saw him in '38, after the war here? A He was a young man probably 18, 17 or 18, somewhere along there, a young man.

Q Did you know the wife of Lumford, did you know his mother?

A Yes, sir, I saw her at Fort Scott in '66.

Q What was her name? A I could not tell you.

Q Where did you say you saw her in '66? A I left them at Fort Scott in '65.

Q Now, were you acquainted with his mother before the war?

A No, sir, only at Lees Country in '62.

Q Where was she? A Working there.

Q And they were free colored persons you say? A Yes, sir, they claimed to be from Arkansas.

Q Well, you were acquainted with this country? A Yes, sir.

Q You know whether they belonged to anybody? A They didn't belong to anybody in this country that I knew of.

By Mr. Hastings:

Q When did you say you knew the applicant first? A I first saw him in '62 at Lee Schrimsher's.

Q Is that the first time you ever saw the applicant? A Yes sir.

Q You testified for him before the Kern-Clifton Commission? A Yes sir.

Q You testified that you saw him on Sheals Creek with Blye in '61?

A No, sir; some of that isn't correct.

Q How do you know this testimony isn't true? A I have seen it and know it is not true.

Q Where did you see a copy? A Some fellow had it there.

Q Fellow L. A. Bell? A I think so.

Q Where were you living in '61? A I was living on Poteau river about six or seven miles below Chotopa.

Q What time of the year was it you saw this fellow? A Along in the fall.

Q How long did you see him there? A I saw him there two different times, I was passing there and stayed all night at Lees country one time.

Q Do you know where this family came from? A No, sir, only what they claimed.

Q What did they claim? A Claimed to come from Arkansas.

Q You swore that they refugees from Arkansas in '64 then didn't you? A I don't know.

Q Did Lee Schrimsher live on the line? A No, sir, lived on Big Cabin Creek.

Q Well, didn't you swear before that you saw this Robinson in '61 or 2 on the neutral land? A I don't think I did.

Q Well, do you deny that now? A Yes, sir, I do.

Q You admit though that you testified for them before the Kern-Clifton Commission? A Yes, sir.

Q Now how many did you see in '66 of this family?

A I could not tell, the old man and his wife and a lot of children, this boy and another he claimed to be his family.

Q I thought you said just now you never saw his father?

A I saw him at Lee Schrimsher's in '62.

Q I mean in '66? A I never saw him in '66.

Q Now, who did you see in '66? A I saw this boy and his brother.

Q Was he older or younger? A Older.

Q And you only saw this boy about in '66? A He came there to Lee Schrimsher's in May, '66.

Q How long did he stay in there? A I don't know, he came in.

Q Was Lee Schrimsher there? A No, sir.

Q Was he along with you? A A fellow named Sam, dutchman.

Q Did he settle there with them? A He did that fall.

Q Where were you being? A I was going up to the Dave Martin place.

Q Who was living there at that time? A Nobody.



Q Did you have a place there at that time? A First bought a place from Tom Hudson and I afterwards sold it to Bill Martin.

Q Was there a place made in '66? A Made before '66.

Q Was any crop in then, '66? A No, sir.

Q Did you ~~have any other members of the family~~ put any in? A No, sir, I moved out there and intended to stay and they sold my cattle.

Q Did you have any family with you? A No, sir, just some work hands.

Q Well, how long after that was it before you saw this Robinson family? A The next time I saw this one was when Wallace had the Wallace Court.

Q You don't know what became of them between that and the Wallace Court? A No, sir.

Q Did you see any other members of the family in the meantime?

A No, sir.

Q These two then were there alone? A Yes, sir, just the two, they claimed they was camped on Russell Creek; I don't know whether they was or not, I didn't see them.

Q How far was Lee Schrimsher's from Russell Creek? A About 25 miles.

Q Lee Schrimsher lived on Cabin Creek? A Yes, sir.

Q About how far from Vinita? A About ten miles.

Q There was nobody there in this house at that time? A No sir.

Q What were they doing down there? A They come there to see if Lee Schrimsher had come back for they wanted to get work.

Q There were five of these brothers applied before the Kern-Clifton Court? A I don't remember.

Q You charged them, did you not? A I think I did.

Q To testify in that case? A Yes, sir.

Q Are you changing them anything this time? A No, sir; they paid my fare up here from Wagoner.

Q You were at Chelsea when this man applied? A No, sir; I was there three days at Chelsea and I understand he made application after I left there.

Q He was there while you were there? A Yes, sir.

Q And you saw him there? A Yes, sir.

A By Mr. Smith:

Q Why did you charge him \$125 before the Kern-Clifton Commission?

A I thought it was right that I should have pay for my trouble running around tending to these courts, it cost me something to be here.

Q Where did you have to go to when you testified before the Kern-court? A I went from Wagoner to Lightning Creek, where the Court was held.

Q Was it at Lightning Creek he made his application? A Yes, sir.

By Mr. Hastings:

Q How far is it from where you lived to Lightning Creek?

A I come around by this place, I suppose it is about 25 or 30 miles.

Applicant offers in evidence some permits issued by the authorities of the Cherokee Nation.

Counsel for Cherokee Nation objects to the introduction of said permits for the reason it is irrelevant, incompetent and immaterial.

Permits are permitted to be filed.

J. O. Reason, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 15th day of July, 1901.

Signed, J. O. Reason.

Signed, F. B. Isdles, Commissioner.

AND 33 1201  
IN THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
IN THE MONTH OF 1901

James C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing, and that the same is a true and correct copy from the originals.

*James C. Jones*

Sworn to and subscribed before me this the 21st of August, 1901.

*[Signature]*

Commissioner.

RECEIVED  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
AUG 21 1901

Where did you marry? A. On Caney.

In the Cherokee Nation? A. Yes sir.

How long have you lived in the Cherokee Nation? A. 16 or 17 years.;  
longer than that.

Who with? A. With my uncle.

Where has John been living? A. With my father in the Cherokee Nation.

Did you ever live with your father? A. Yes sir.

In the Cherokee Nation? A. Yes sir.

When did he come to the Cherokee Nation? A. He came off and on all  
the time.

Where was he when your mother died? A. In Kansas.

She never came here at all? A. Yes sir; he came before I was born.

But you were born in Kansas? A. Yes sir.

My Com'r Needles,-

William H. Hill applies for the enrollment of himself  
and his brother John Hill; they are not identified on any of the  
rolls of the Cherokee Nation now in the possession of the Com-  
mission; he avers that he is the child on Mary Ann Robinson  
and that he is the nephew of William H. Robinson, the said  
William H. Robinson being a brother of his mother. The Com-  
mission is of the opinion that the weight of the testimony in  
this case will not justify the enrollment of the said William  
H. and John Hill, but attention is called by the attorney for  
the applicants to the testimony of the said William H. Robinson  
on Cherokee Freedman Doubtful card #674, and reference is there-  
fore made to said card and a copy of the testimony therein will  
be filed herewith, and the said William H. Hill and John Hill  
will for the present be listed as Cherokee freedmen on a doubt-  
ful card, and when the final decision of the Commission is  
arrived at he will be notified thereof by mail.

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states that as stenographer to the Commis-

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Nowata, I. T. June 28th 1901.

In the matter of the application of William H. Hill for the enrollment of himself and his brother John Hill as Cherokee freedmen; he being sworn by Commissioner T. B. Needles, testified as follows:

Mellette & Smith for the applicant-

W. V. Hastings for the Cherokee Nation-

By Gen'r Needles-

- Q What is your name? A. William H. Hill.  
Q How old are you? A. I don't know exactly, about 33 or 4  
Q What is your postoffice address? A. Talala.  
Q In what district do you live? A. Cooweescoowee.  
Q Do you want to be enrolled as a Cherokee freedman? A. Yes sir.  
Q Who else do you want to have enrolled? A. My brother.  
Q How old is he? A. 20.  
Q What is his name? A. John Hill.  
Q Have you been recognized by the Cherokee authorities as a Cherokee freedman? A. I guess so.  
Q Is your name on the roll of 1880? A. No sir.  
Q Is it on any of the rolls? A. I don't know.  
Q What is your mother's name? A. Mary Ann Robinson.  
Q What is your father's name? A. Milton Hill.  
Q Are you married? A. Yes sir.  
Q What is your wife's name? A. Lottie Holmes when I married her.  
Q Do you apply for her? A. Yes sir.  
Q Is she a citizen? A. No sir.  
Q When were you married to her? A. 3 years ago.

I want let you apply for her, you married her too late and I would just have to reject her and it will only confuse the record and there is no use of it.

By Smith-

- Q Where do you live? A. On Gandy River.  
Q How long have you lived there? A. 16 or 17 years.  
Q Who did you say your mother was? A. Mary Ann Robinson.  
Q Do you know William H. Robinson? A. Yes sir.  
Q In what way is your mother related to him? A. His sister.  
Q Has your mother any other brothers? A. Yes sir.  
Q What are their names? A. Sebe, Wesley.  
Q Robinson? A. Yes sir.  
Q Has she any sisters? A. Yes sir, Vinny Martin and Marguerite Hill.  
Q How long have you lived in the Cherokee Nation? A. Off and on all my life.  
Q Where were you born? A. I don't know exactly.  
Q What is your information as to where you were born? A. In Kansas.  
Q Do you know when your mother married your father? A. No sir.  
Q Is your mother alive? A. Yes sir.  
Q Is your mother alive? A. No sir she is dead.  
Q Do you know where she died? A. In Kansas, I think.  
Q How old are you? A. I don't know exactly, 33 or 4 somewhere along in there.  
Q How long have you been living at the place where you live now? A. 16 or 17 years, somewhere along there.  
Q Are you on any of the rolls? A. I don't know.

The 1880, 1890, Kerr Shiften and Wallace rolls examined and the applicant not found on either of them.



- Q You say you have been living off and on for 15 or 16 years where you do now? A. Yes sir.
- Q How old were you when you went to live where you do now? A. I don't know exactly how old I was.
- Q Well about how old? A. 14 or 15 years.
- Q Where had you been living before that? A. Off and on in the Cherokee Nation.
- Q You had lived part of the time before that in the Cherokee Nation? A. Yes sir.
- Q And you had been out part of the time? A. Yes sir.
- Q Where had you lived in the Cherokee Nation before you lived where you live now? A. On Big creek.
- Q Who with? A. Sam Webber.
- Q How long did you live with him? A. Off and on about a year.
- Q That was just before you went to where you live now? A. Yes sir.
- Q Have you ever lived anywhere else in the Cherokee Nation except those two places? A. Yes sir, about 2 or 3 miles from there, I worked for Uncle Manuel Ward at his place.
- Q Was that before you went to Sam Webber's? A. No sir after.
- Q Where did you live before you went to Sam Webber's? A. I don't know exactly.
- Q What kind of work did you do that time? A. Farmed.
- Q Did you have a place of your own or just hired out? A. My mother had one and I just worked out.
- Q What kind of work did you do? A. Farmed and cutting wood.
- Q How long have you been married? A. 3 or 4 years.

By Hastings-

- Q Are you you called Hastings? A. Yes sir.
- Q Where were you married? A. On Caney.
- Q Have you a brother Jim? A. Yes sir.
- Q And one named Hayes? A. Yes sir.
- Q One named John? A. Yes sir.
- Q There is five of your children? A. Four of them.
- Q These children are all younger than you? A. Yes sir.
- Q Where were you born in Kansas? A. I don't know sir.
- Q Where were your younger brothers born? A. I don't know sir.
- Q Weren't you there when they were born, you are the oldest? A. Yes sir I am the oldest, I may have been away.
- Q Weren't you living with your mother when they were born? A. Part of the time.
- Q Jim is three years younger than you? A. Younger than that.
- Q Don't you know where Jim was born? A. I guess he was born in Kansas.
- Q Don't you know where Hayes was born, he is 5 years younger than you? A. I guess he was born there too, I reckon.
- Q Where was John born, he is 11 years younger than you? Was he born there too? A. No sir born.
- Q Your mother is dead? A. Yes sir.
- Q She died in Kansas? A. Yes sir.
- Q How long ago? A. 16 or 17 years ago, I guess.
- Q Were you living with her when she died? A. Yes sir.
- Q And up to the time she died? A. Yes sir.

By the Commission-

- Q Where did she die? A. In Kansas.



Q Where did you marry? A. On Caney.  
 Q In the Cherokee Nation? A. Yes sir.  
 Q How long have you lived in the Cherokee Nation? A. 16 or 17 years.; maybe longer than that.  
 Q Who with? A. With my uncle.  
 Q Where has John been living? A. With my father in the Cherokee Nation.  
 Q Did you ever live with your father-in-law? Yes sir.  
 Q In the Cherokee Nation? A. Yes sir.  
 Q When did he come to the Cherokee Nation? A. He came off and on all the time.  
 Q Where was he when your mother died? A. In Kansas.  
 Q She never came here at all? A. Yes sir she came before I was born.  
 Q But you were born in Kansas? A. Yes sir.

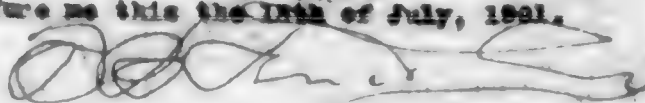
By Com'r Needles,-

William H. Hill applies for the enrollment of himself and his brother John Hill; they are not identified on any of the rolls of the Cherokee Nation now in the possession of the Commission; he avers that he is the child on Mary Ann Robinson and that he is the nephew of William H. Robinson, the said William H. Robinson being a brother of his mother. The Commission is of the opinion that the weight of the testimony in this case will not justify the enrollment of the said William H. and John Hill, but attention is called by the attorney for the applicants to the testimony of the said William H. Robinson on Cherokee Freedman Doubtful card #874, and reference is therefore made to said case and a copy of the testimony therein will be filed herewith, and the said William H. Hill and John Hill will for the present be listed as Cherokee freedmen on a doubtful card, and when the final decision of the Commission is arrived at he will be notified thereof by mail.

.....

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this 10th day of July, 1901.

*Chas. von Weise*  


Commissioner.

R  
C.F.D.-874.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., March 5, 1902.

Supplemental testimony on behalf of Cherokee Nation, in the matter of the application of William H. Robinson for the enrollment of himself, wife and children as Cherokee Freedmen.

Appearances:

Mr. Mellette, or Mellette & Smith, Vinita, I. T., attorneys for the applicants;

W. W. Hastings, attorney for the Cherokee Nation.

Elizabeth Davis, being first duly sworn, and being examined testified as follows:

By Mr. Hastings:

Q What is your name? A Elizabeth Davis.

Q What is your age, Mrs. Davis? A 57.

Q What is your post-office address? A Fort Scott, Kansas.

Q How long has Fort Scott Kansas been your post office? A Since '63.

Q You formerly lived in this country? A Yes sir.

Q Do you know a colored man by the name of Mumford Robinson? A Yes sir.

Q When did you learn to know him? A In 1868. He was at Fort Scott when I left.

Q Did you continue to live there during the war? A Yes sir.

Q And after the war? A Yes sir, I lived up there right along.

Q Do you know his wife? A Yes sir.

Q What is her name? A Anna.

Q Do you know any of his children? A Yes, I knew his children.

Q You know any of their names? A Had one named Lizzie, and a boy named William and one Jim and Tobe and Wesley, and I don't know, he had a whole house full.

Q How long did you continue to know this family at Fort Scott, Kansas? A I knew him from '63 down to the winter of '69.

Q Did you know them continuously? A Yes sir, they lived right there; I was about two blocks away from them.

Q Did you have occasion to see them frequently? A Yes sir, I saw them ~~pass~~ pass, they would have to pass my house to go to town.

Q You know where they went to from there or where they were gone? A I don't know where they went to.

Q You know whether they had a house there or not? A Yes sir, they owned their home there; they bought their house; I don't know whether they bought a lot and built the house or whether they bought the house, I couldn't say, it was just a frame building, that was there when I left; I know they owned that and sold it.

Q You positive that they lived there until the fall or winter of '69? A Yes, sir, I am positive; how that is, Mrs. Runyan - her father, Mr. Anthony died in July, 1869, and they was there then, and in the fall the boys helped dig the potatoes and gather the crop; him and his son Walter Runyan both died the same month, and left the widow woman and the girls and she got these boys to gather the crop.

By Mr. Hastings:

Q Are you a white woman? A Yes sir.

Q You are of white blood? A Yes sir.

Q You are not of Cherokee blood? A No sir.

Q This W. H. Robinson you have been talking about? A W. H. Robinson is Mumford Robinson's son.

Q Where is Mumford Robinson? A I don't know.

Q Is he alive or dead? A I don't know.

Q When did you see him? A I haven't seen him since '69, or heard of him.

- Q You don't know whether the applicants here are the persons you knew in Fort Scott or not do you? A I know that Mumford didn't, I knew that; I don't know whether these are them or not.
- Q You don't know whether the Mumford Robinson they talked about in the testimony is the Mumford Robinson you knew at Fort Scott, do you? A I don't know, no sir.
- Q Were you ever married? A Yes sir.
- Q Married now? A No sir, I am a widow woman.
- Q Who was your husband? A S.S. Davis.
- Q Ever married to any one else? A No sir.
- Q Did you at one time live with a man named Alonso Manley? A No sir.
- Q You swear you didn't? A I swear I didn't live with him in the world. Lived with Alonso Manley, what are you talking about?
- Q I just asked you the question? A Well indeed I guess I didn't.
- Q Did you know him? A Yes sir, I knew him.
- Q Where did you know him? A I knew him from '63 until '70, along in '70's somewhere.
- Q How long has it been since you saw Mumford Robinson? A '69.
- Q How long has that been? A I don't know; I haven't counted it up.
- Q Well try to count it up? A 32 years or 33.
- Q Now can you remember back every person that you saw in '69, 32 years ago? A Well I could remember their names and remember seeing them.
- Q Can you remember when you last saw everybody that you saw in '69? A Yes, I can remember when I last saw them for I last saw them when they was gathering those potatoes; that is the last time I saw these boys.
- Q You remember you saw Mumford Robinson dig potatoes in '69? A I saw the boys and their mother I told you.
- Q Did they ever dig potatoes at any other time? A Not that I know of.
- Q Why do you remember that was in '69? A These girls father died in '69 and it is there in the Bible.
- Q Where is the Bible? A Mrs. Anthony's house; I know they dug potatoes at that time.
- Q You didn't bring the Bible with you? A No sir.
- Q Maybe that is like the Bible that was not made in '67? A Probably it is, but it is there and can be produced just the same.
- Q You didn't bring it with you did you? A No sir.
- Q When were you first asked about this matter? A I don't know; sometime in December I guess, or January.
- Q Some time last January, is that the first time that you were asked about when you saw Mumford Robinson last? A Yes sir, that is the first time.
- Q You never had this matter called to your attention until then? A No sir.
- Q That was nearly 32 years after you had seen him there that you were asked about it? A Yes sir.
- Q And then 32 years after that you remembered back about the boys digging potatoes 32 years before? A Yes sir, I remember the family well, because when I first went to Fort Scott there wasn't very many.
- Q How much did you get for coming down here? A I haven't got anything yet.
- By Mr. Hastings: I object to that; it is insulting to the witness.
- Q Who first asked you about this matter? A I don't know, I suppose the judge of the Cherokee Nation.
- Q Who is it, what is his name? A Mr. Hayes.
- Q Did he tell you he was the Judge of the Cherokee Nation? A No, he didn't tell me so.
- Q What makes you call him Judge of the Cherokee Nation? A I have learned it since.
- By Mr. Hastings: That is not proper cross-examination of this witness.
- A I am going to tell you I knew Judge Hayes before the war; he

was in the army with my brother.

Q He is the man that came to you and asked you about them? A Yes sir.

Q 52 years and nobody had ever called your attention to this fact before that time and they? A No sir.

Q Then you remembered back there it was in '69 the boys dug potatoes for you? A They didn't dig for me at all, they dug for Mrs. Anthony.

Q How many cases have you been a witness here in? A -

By Mr. Hastings: I submit this is not proper cross-examination, and I object to it.

By Commission: The objection will be noted; answer the question.

A How many have I? Three besides this I believe.

Q Who were they? A

By Mr. Hastings: I submit that that is not proper cross-examination; I object to it.

By Commission: Objection noted; answer the question.

By Mr. Mellette: I have got the right to ask questions touching the knowledge of this witness in the matter that brings her here.

A I think it was Mrs. Nancy Thompson, Mrs. Gales and the Alonzo Menley case.

Q How old did you say you are? A 57.

Q Were you married in '69? A No sir.

Q How long after that did you marry? A I married in '70.

Q What time in '70? A In March, 1871.

Q What day of March? A 15th of March.

Q Have you ever been married any more since that time? A No sir. My husband has been dead now three years.

By Mr. Hastings: I desire to introduce a certified copy of this contract. (Hands paper to Mr. Mellette.)

By Mr. Mellette: I object to the introduction, because it does not show where Mumford Robinson lived at the time he made it, and it does not show that it is the Mumford Robinson that was mentioned in the testimony.

By Mr. Hastings: The representatives of the Cherokee Nation desire to call attention to the fact that it does say Mumford Robinson and Annie Robinson of the County of Bourbon, and State of Kansas.

By Commission: There is offered in evidence by the representative of the Cherokee Nation a Warranty Deed made by Mumford Robinson and Annie Robinson, his wife of the County of Bourbon, State of Kansas, on the 7th day of December 1869; same is filed herewith.

Minerva Runyon, being first duly sworn and being examined testified as follows:

By Mr. Hastings:

Q What is your name? A Minerva Runyon.

Q What is your age? A 48, in my 48th year.

Q What is your post-office address? A Fort Scott, Kansas.

Q How long have you lived at Fort Scott, Kansas? A Well I lived there since 1862.

Q Do you know a coloredman up there by the name of Mumford Robinson? A I do sir.

Q Do you know his wife? A Yes sir.

Q What was her name? A Her name was Annie.

Q Did you know any of their family? A I do.

Q Name as many of them as you can remember now? A William, James, Alonzo, Fatette, Fobe and Wesley, that was the boys in the family, and there was Elisabeth Jane and Mary and Martha and Melvina, them was the girls.

Q Who did Melvina marry? A I don't know.

Q Did you ever know one of them married Mr. Hill? A Yes sir.



Q What was her name? A Mary Ann.

Q When did you first learn to know this family? A In '62 when I came there they was there.

Q Neighbors from '62 until '69 continuously? A Continuously, they might have been there a little longer than that, but that much any way.

Q How do you fix the date, Mrs. Runyon, that you knew them? A Well I fix the date by father's death.

Q When did your father die? A Father died July 13th, 1869.

Q Do you know they were living there then? A They were living there then; he raised a little crop and these boys helped us children gather our potatoes, as much as I can remember it was Frank and Tobe.

Q How far did the family live from you? A They lived just the next, there was one lot, a fifty foot lot between us.

Q Was that vacant or did it have a house on it? A I think there was a house partly on it; there was quite a space between their lot and our lot.

Q You are a citizen of the State of Kansas? A Yes sir.

Q Don't claim citizenship down here? A No sir.

Q You came down here by a subpoena as a witness? A I did.

Q You knew the family well I suppose? A I knew the family well.

By Mr. Mellette:

Q You are a white woman? A I am a white woman.

Q Did you say your age was 40? A My age is 48, in my 48th year.

Q Have you ever seen any of the Robinson family you are talking about since the time you saw them in Fort Scott? A I saw Mary Ann on the street in Fort Scott, Kansas.

Q They are colored people? A Yes sir.

Q How is it you remember the names of the children 32 years? A Because I played with them. We was children together and I played with them, I remember them distinctly.

Q Have you read the testimony given in this case since you came here, has it been read to you? A The testimony?

Q Yes, that they gave, giving the names of the children? A No sir.

Q Have you had the names called to your attention since you came here the names of these children? A I don't think I have.

Q You could remember the names of these children 32 years? A Indeed I could, every one of them.

Q You have remembered them that long? A I have remembered them that long.

Q How old were you when your father died? A I was a girl of about 15 years, 14 or 15 years.

Q And you remember the names of children 32 years you haven't seen since that time? A I do.

By Commission: This testimony will be filed and made a part of the record in the following Cherokee Freedmen cases:

D-677, D-686, D-687, D-689, D-687, D-639, D-642 and D-1018.

I, M.D.Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M.D.Green.

I, the undersigned, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I made the foregoing copy and that the same is a true and complete copy of the original manuscript.

*E. L. Ashcraft*



R  
C.F.D.-374.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., March 3, 1902.

Supplemental testimony on behalf of Cherokee Nation, in the matter of the application of William H. Robinson for the enrollment of himself, wife and children as Cherokee Freedmen.

Appearances:

Mr. Mellette, of Mellette & Smith, Vinita, I. T., attorneys for the applicants;

W. W. Hastings, attorney for the Cherokee Nation.

Elizabeth Davis, being first duly sworn, and being examined testified as follows:

By Mr. Hastings:

Q What is your name? A Elizabeth Davis.

Q What is your age, Mrs. Davis? A 57.

Q What is your post-office address? A Fort Scott, Kansas.

Q How long has Fort Scott Kansas been your post office? A Since '63.

Q You formerly lived in this country? A Yes sir.

Q Do you know a colored man by the name of Mumford Robinson? A Yes sir.

Q When did you learn to know him? A In 1863. He was at Fort Scott when I left.

Q Did you continue to live there during the war? A Yes sir.

Q And after the war? A Yes sir, I lived up there right along.

Q Do you know his wife? A Yes sir.

Q What is her name? A Anna.

Q Do you know any of his children? A Yes, I knew his children.

Q You know any of their names? A Had one named Lizzie, and a boy named William and one Jim and Tobe and Wesley, and I don't know, he had a whole house full.

Q How long did you continue to know this family at Fort Scott, Kansas? A I knew him from '63 down to the winter of '69.

Q Did you know them continuously? A Yes sir, they lived right there; I was about two blocks away from them.

Q Did you have occasion to see them frequently? A Yes sir, I saw them ~~pass~~ pass, they would have to pass my house to go to town.

Q You know where they went to from there or where they were gone? A I don't know where they went to.

Q You know whether they had a house there or not? A Yes sir, they owned their home there; they bought their house; I don't know whether they bought a lot and built the house or whether they bought the house, I couldn't say, it was just a frame building, that was there when I left; I knew they owned that and sold it.

Q You positive that they lived there until the fall or winter of '69? A Yes, sir, I am positive; now that is, Mrs. Ruyyan - her

father, Mr. Anthony died in July, 1869, and they was there then, and in the fall the boys helped dig the potatoes and gather the crop; him and his son Walter Ruyyan both died the same month, and left the widow woman and the girls and she got these boys to gather the crop.

By Mr. Mellette:

Q Are you a white woman? A Yes sir.

Q You are of white blood? A Yes sir.

Q You are not of Cherokee blood? A No sir.

Q This W. H. Robinson you have been talking about? A W. H. Robinson is Mumford Robinson's son.

Q Where do Mumford Robinson? A I don't know.

Q Is he alive or dead? A I don't know.

Q When did you see him? A I haven't seen him since '69, or heard of him.

- Q You don't know whether the applicants here are the persons you know in Fort Scott or not do you? A I know that Mumford didn't, I knew that; I don't know whether these are them or not.
- Q You don't know whether the Mumford Robinson they talked about in the testimony is the Mumford Robinson you knew at Fort Scott, do you? A I don't know, no sir.
- Q Were you ever married? A Yes sir.
- Q Married now? A No sir, I am a widow woman.
- Q Who was your husband? A S.S. Davis.
- Q Ever married to any one else? A No sir.
- Q Did you at one time live with a man named Alonzo Manley? A No sir.
- Q You swear you didn't? A I swear I didn't live with him in the world. Lived with Alonzo Manley, what are you talking about?
- Q I just asked you the question? A Well indeed I guess I didn't.
- Q Did you know him? A Yes sir, I knew him.
- Q Where did you know him? A I knew him from '63 until '70, along in '70's somewhere.
- Q How long has it been since you saw Mumford Robinson? A '69.
- Q How long has that been? A I don't know; I haven't counted it up.
- Q Well try to count it up? A 32 years or 33.
- Q Now can you remember back every person that you saw in '69, 32 years ago? A Well I could remember their names and remember seeing them.
- Q Can you remember when you last saw everybody that you saw in '69? A Yes, I can remember when I last saw them for I last saw them when they was gathering those potatoes; that is the last time I saw those boys.
- Q You remember you saw Mumford Robinson dig potatoes in '69? A I saw the Boys and their mother I told you.
- Q Did they ever dig potatoes at any other time? A Not that I know of.
- Q Why do you remember that was in '69? A These girls father died in '69 and it is there in the Bible.
- Q Where is the Bible? A Mrs. Anthony's house; I know they dug potatoes at that time.
- Q You didn't bring the Bible with you? A No sir.
- Q Maybe that is like the Bible that was not made in '67? A Probably it is, but it is there and can be produced just the same.
- Q You didn't bring it with you did you? A No sir.
- Q When were you first asked about this matter? A I don't know; sometime in December I guess, or January.
- Q Some time last January, is that the first time that you were asked about when you saw Mumford Robinson last? A Yes sir, that is the first time.
- Q You never had this matter called to your attention until then? A No sir.
- Q That was nearly 32 years after you had seen him there that you were asked about it? A Yes sir.
- Q And then 32 years after that you remembered back about the boys digging potatoes 32 years before? A Yes sir, I remember the family well, because when I first went to Fort Scott there wasn't very many.
- Q How much did you get for coming down here? A I haven't got anything yet.
- By Mr. Hastings: I object to that; it is insulting to the witness.
- Q Who first asked you about this matter? A I don't know, I suppose the judge of the Cherokee Nation.
- Q Who is it, what is his name? A Mr. Keyes.
- Q Did he tell you he was the Judge of the Cherokee Nation? A No, he didn't tell me so.
- Q What makes you call him Judge of the Cherokee Nation? A I have learned it since.
- By Mr. Hastings: That is not proper cross-examination of this witness.
- A I am going to tell you I knew Judge Keyes before the war; he

was in the army with my brother.

Q He is the man that came to you and asked you about them? A Yes sir.

Q 32 years and nobody had ever called your attention to this fact before that time had they? A No sir.

Q Then you remembered back there it was in '69 the boys dug potatoes for you? A They didn't dig for me at all, they dug for Mrs. Anthony

Q How many cases have you been a witness here in? A -

By Mr. Hastings: I submit this is not proper cross-examination, and I object to it.

By Commission: The objection will be noted; answer the question.

A How many have I? Three besides this I believe.

Q Who were they? A

By Mr. Hastings: I submit that that is not proper cross-examination; I object to it.

By Commission: Objection noted; answer the question.

By Mr. Mellette: I have got the right to ask questions touching the knowledge of this witness in the matter that brings her here.

A I think it was Mrs. Nancy Thompson, Mrs. Gales and the Alonso Manley case.

Q How old did you say you are? A 57.

Q Were you married in '69? A No sir.

Q How long after that did you marry? A I married in '70.

Q What time in '70? A In March, 1871.

Q What day of March? A 13th of March.

Q Have you ever been married any more since that time? A No sir. My husband has been dead now three years.

By Mr. Hastings: I desire to introduce a certified copy of this contract. (Hands paper to Mr. Mellette.)

By Mr. Mellette: I object to the introduction, because it does not show where Mumford Robinson lived at the time he made it, and it does not show that it is the Mumford Robinson that was mentioned in the testimony.

By Mr. Hastings: The representatives of the Cherokee Nation desire to call attention to the fact that it does say Mumford Robinson and Annie Robinson of the County of Bourbon, and State of Kansas.

By Commission: There is offered in evidence by the representative of the Cherokee Nation a Warranty Deed made by Mumford Robinson and Annie Robinson, his wife of the County of Bourbon, State of Kansas, on the 7th day of December 1869; same is filed herewith.

Minerva Runyon, being first duly sworn and being examined testified as follows:

By Mr. Hastings:

Q What is your name? A Minerva Runyon.

Q What is your age? A 46, in my 48th year.

Q What is your post-office address? A Fort Scott, Kansas.

Q How long have you lived at Fort Scott, Kansas? A Well I lived there since 1862.

Q Do you know a colored man up there by the name of Mumford Robinson?

A I do sir.

Q Do you know his wife? A Yes sir.

Q What was her name? A Her name was Annie.

Q Did you know any of their family? A I do.

Q Name as many of them as you can remember now? A William, James, Alonso, Patette, Tobe and Wesley, that was the boys in the family, and there was Elizabeth Jane and Mary and Martha and Melvina, them was the girls.

Q Who did Melvina marry? A I don't know.

Q Did you ever know one of them married Mr. Hill? A Yes sir.

Q What was her name? A Mary Ann.

Q When did you first learn to know this family? A In '62 when I came there they was there.

Q Neighbors from '62 until '69 continuously? A Continuously, they might have been there a little longer than that, but that much any way.

Q How do you fix the date, Mrs. Runyon, that you knew them? A Well I fix the date by father's death.

Q When did your father die? A Father died July 13th, 1869.

Q Do you know they were living there then? A They were living there then; he raised a little crop and these boys helped us children gather our potatoes, as much as I can remember it was Frank and Tobe.

Q How far did the family live from you? A They lived just the next, there was one lot, a fifty foot lot between us.

Q Was that vacant or did it have a house on it? A I think there was a house partly on it; there was quite a space between their lot and our lot.

Q You are a citizen of the State of Kansas? A Yes sir.

Q Don't claim citizenship down here? A No sir.

Q You came down here by a subpoena as a witness? A I did.

Q You knew the family well I suppose? A I knew the family well.

By Mr. Mellette:

Q You are a white woman? A I am a white woman.

Q Did you say your age was 40? A My age is 48, in my 48th year.

Q Have you ever seen any of the Robinson family you are talking about since the time you saw them in Fort Scott? A I saw Mary Ann on the street in Fort Scott, Kansas.

Q They are colored people? A Yes sir.

Q How is it you remember the names of the children 38 years? A Because I played with them. We was children together and I played with them, I remember them distinctly.

Q Have you read the testimony given in this case since you came here, has it been read to you? A The testimony?

Q Yes, that they gave, giving the names of the children? A No sir.

Q Have you had the names called to your attention since you came here the names of these children? A I don't think I have.

Q You could remember the names of these children 32 years? A Indeed I could, every one of them.

Q You have remembered them that long? A I have remembered them that long.

Q How old were you when your father died? A I was a girl of about 15 years, 14 or 15 years.

Q And you remember the names of children 32 years you haven't seen since that time? A I do.

By Commission: This testimony will be filed and made a part of the record in the following Cherokee Freedmen cases:

D-677, D-686, D-887, D-889, D-937, D-939, D-942 and D-1018.

I, M.D.Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M.D.Green.

I, the undersigned, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I made the foregoing copy and that the same is a true and complete copy of the original manuscript.

*[Handwritten signature]*



DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

E/16

In the matter of the application for the enrollment of William H. Hill et al., as Cherokee freedmen, consolidating the applications of

William H. Hill et al - - - - Cherokee Freedmen D 937  
Hayes Hill et al - - - - Cherokee Freedmen D 939  
James Hill - - - - - Cherokee Freedmen D 942.

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by William H. Hill for himself, and his brother John Hill; by Hayes Hill for himself and his minor child Ethel Hill; and by James Hill for himself. Proof of the birth of said Ethel Hill was filed with the Commission and is made a part of this record. A copy of the testimony taken at said trial in the case of William H. Robinson et al., Cherokee Freedmen D 974 is made a part of the record herein.

The evidence shows that all the applicants herein were born since 1866 and are, except the said Ethel Hill, the children of Mary A. Robinson, now deceased, and one Milton Hill, now deceased, a non-citizen; that the said Ethel Hill is the daughter of said Hayes Hill and his wife Elsie Hill, a non-citizen, and that all the applicants claim right to enrollment as descendants of the said Mary A. Robinson.



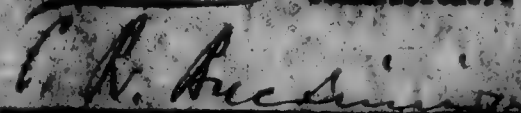

The evidence further shows that the said Mary A. Robinson was a free colored person residing in the Cherokee Nation at the commencement of the rebellion; that she went to the State of Kansas during said war, but did not return to the Cherokee Nation within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs the Cherokee Nation et al., for the return of freedmen to said Nation.

The evidence further shows that said Mary A. Robinson together with her father, Manford Robinson, and family resided continuously in the State of Kansas from the time they left the Cherokee Nation until sometime in the year 1860; that afterwards the said Mary A. Robinson resided in the State of Kansas in which State the said William H. Hill, Hayes and James Hill were born; that the said Mary A. Robinson died about eighteen or nineteen years ago in said State of Kansas; and that sometime after her death the said William H., John, Hayes and James Hill came to the Cherokee Nation. The said Ethel Hill was born in the Cherokee Nation, and all the applicants herein are now residents of said Nation. The



It is, therefore, the opinion of this Commission that the application of William R. Hill, John Hill, Hayes Hill, Ethel Hill and James Hill for enrollment as Cherokee freedmen, should be denied under the provisions of section twenty-one of the act of Congress approved June 26, 1906 (34 Stat., 498), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
\_\_\_\_\_  
Chairman.  
  
\_\_\_\_\_  
Commissioner.  
  
\_\_\_\_\_  
Commissioner.  
  
\_\_\_\_\_

This MAR 3 1914

8. 971237  
• DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

**FILED**  
OCT 12 1901

 ACTING CHAIRMAN

COMMISSIONERS:  
HENRY L. DAVIS,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRACKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, AUG 26 1901, 1901.

Received of the Commission to the Five Civilized  
Tribes one copy of the testimony in the matter of the  
application of [Signature] for en-  
rollment as Cherokee Freedmen.

Melville Smith

Cher Cherokee Freedmen # 19937

2  
K D. 937

INDIAN TERRITORY,  
CHEROKEE NATION.

I hereby certify that I served the with-  
in notice on.....

by delivering a true copy thereof on the  
..... day of ..... A. D. 190.....

Given under my hand this.....  
day of..... A. D. 190.....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the  
within named applicant, hereby accept  
service of the within notice on this the

..... day of ..... 190.....  
*W. H. Smith*  
Attorney for applicant.

UNITED STATES OF AMERICA, }  
INDIAN TERRITORY, } S. S.  
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a  
true copy of the within notice to .....

on the ..... day of ..... A. D. 190.....

Subscribed and sworn to before me  
this .....

Notary Public.

DEPARTMENT OF THE INTERIOR

COMMISSIONER OF THE FIVE CIVILIZED TRIBES

*W. H. Smith*  
FILED  
1068 SEP 22 1901

ATTEST CHAIRMAN

# NOTICE!

IN THE MATTER OF the application of W. H. Hill  
for enrollment as Cherokee citizens:

Case No. D 987

To W. H. Hill or Hallette & Smith his Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 22 1901 or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept. 21st 1901

L B Bell  
W. H. Hastings  
Attorneys for the Cherokee Nation.



COPY.

Cherokee F.D-937

Muskogee, Indian Territory, March 16, 1904.

William H. Hill,

Talala, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 16, 1904, in the consolidated case of William H. Hill, et al., rejecting, among others, your application for the enrollment of yourself and your brother, John Hill, as Cherokee Freedmen. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Register.

Enc. G-21

Commissioner in Charge.

COPY.

Cherokee F.D-937,  
D-939, D-942.

Muskogee, Indian Territory, March 16, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, in the consolidated case of William H. Hill, et al., rejecting the applications for the enrollment of William H., John, Hayes, Ethel and James Hill, as Cherokee Freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

C. E. [Signature]

Commissioner in Charge.

Enc. C-254

COPY.

Cherokee F.B-937,  
D-939 & D-942

Muskogee, Indian Territory, March 16, 1904.

Edgar Smith,

Attorney for William H. Hill, et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, in the consolidated case of William H. Hill, et al., rejecting the applications for the enrollment of William H. John, Hayes, Ethel and James Hill, as Cherokee Freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Register.

Enc. G-24

Commissioner in Charge.

COPY.

Cherokee F.D-937,  
D-939 & D-942

Muskogee, Indian Territory, March 16, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of William H. Hill, et al., including the Commission's decision, dated March 8, 1904, rejecting the applications for the enrollment of William H., John, Hayes, Ethel and James Hill, as Cherokee Freedmen.

Respectfully,

C. E. Johnson

Through the

Commissioner in Charge.

Commissioner of Indian Affairs.

Enc. C-25

Refer in reply to the following:

Land.  
19279/1904.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,

(C O P Y )

WASHINGTON, June 18, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith the report from the Commission to the Five Civilized Tribes, dated March 16, 1904, transmitting the record relative to the application of William H. Hill, et al, for enrollment as Cherokee freedmen. William H. Hill applied for the enrollment of himself and his brother, John Hill; Hayes Hill applied for the enrollment of himself and his child, Ethel Hill; James Hill applied for the enrollment of himself. Birth affidavit of Ethel Hill appears in the case.

William Hill, John and Hayes Hill, are children of Mary A. Robinson, deceased, and Milton Hill, also deceased. Milton Hill was a non-citizen. Ethel Hill is the daughter of Hayes Hill and Elsie Hill, his wife, a non-citizen. All of the applicants claim right to enrollment by reason of descent from Mary A. Robinson.

The testimony in the matter of the application of William H. Robinson, et al, for enrollment as Cherokee Freedmen, is made a part of the record in this case, and it shows that Mary A. Robinson and her father, Mulford Robinson, were free colored persons residing in the Cherokee Nation at the commencement of the Rebellion; that during the war they left the Nation and did not return until 1869.



In view of the record, the approval of the Commission's  
decision of March 5, 1966, adverse to the applicants, is recommended.

Very respectfully,

A. C. Tower,

Acting Commissioner.

GAY-R

D.C. 23315-1904  
I.T.D. 3110-1904.  
L.RS

P.O.P.

J.P.

DEPARTMENT OF THE INTERIOR, THE

WASHINGTON.

July 1, 1904.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

March 15, 1904, you transmitted the record in the consolidated case involving the applications of William H. Hill, et al (F.D-937 et al), for enrollment as Cherokee freedmen, including your decision of March 5, 1904, rejecting said applications.

Reporting June 18, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) E. A. Hitchcock.

Secretary.

1 inclosure.

Cherokee Freedmen

D-937.

Muskogee, Indian Territory, August 4, 1904.

William H. Hill,

Tulsa, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 3, 1904, rejecting, among others, your application for the enrollment of yourself and your brother, John Hill, as Cherokee freedmen, was affirmed by the Secretary of the Interior on July 1, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen

D-937 D-939 D-942.

Muskogee, Indian Territory, August 4, 1904.

Edgar Smith,

Attorney for William H. Hill, et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated March 5, 1904, in the consolidated case of William H. Hill, et al., rejecting the applications for the enrollment of William H., John, Hayes, Ethel and James Hill as Cherokee freedmen, was affirmed by the Secretary of the Interior on July 1, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen  
D-937 D-939 D-942.

Muskogee, Indian Territory, August 4, 1904.

Hastings, Bell & Davenport,  
Attorneys for the Cherokee Nation,  
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision, dated March 5, 1904, in the consolidated case of William H. Hill, et al., rejecting the applications for the enrollment of William H., John, Hayes, Ethel and James Hill as Cherokee freedmen, was affirmed by the Secretary of the Interior on July 1, 1904.

Respectfully,

Commissioner in Charge.



Muskogee, Indian Territory, May 26, 1906.

Blue & Bulger,

Attorneys for Eliza A. Arnold, et al.,

Vinita, Indian Territory.

Gentlemen:

You are advised that this office is in receipt of Departmental letter of May 2, 1906, a copy of which is enclosed herewith, denying motions filed by you September 7, 1905 for review in the Cherokee Freedmen enrollment cases of Eliza A. Arnold and others named in said letter.

Respectfully,

Commissioner.

MMP

Muskogee, Indian Territory, May 29, 1906.

Bell, Hastings & Davenport,

Attorneys for Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:-

You are advised that this office is in receipt of Departmental letter of May 2, 1906, a copy of which is enclosed herewith, denying motions by Blue & Bulger, filed September 7, 1905, for review in the Cherokee Freedmen enrollment cases of Eliza A. Arnold and others named in said letter.

Respectfully,

Commissioner.

LMC

REFER IN REPLY TO THE FOLLOWING:

**Charles Freeman**  
**N-441**

DEPARTMENT OF THE INTERIOR.  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

**Mustoge, Indian Territory, May 20, 1906.**

**William H. Hill,**

**Talala, Indian Territory.**

**Dear Sir:-**

You are hereby advised that the motion filed by your attorneys September 7, 1905, for a review in your Charles freedman enrollment case, was dismissed by the Department May 2, 1906.

Respectfully,

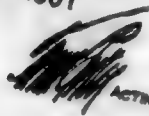
*W. O. Beall*  
Acting Commissioner.

**ENC**

①

72937

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
**FILED**  
JUN 28 1901

  
ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date June 28, 1901  
 Post Office Talala, S.G.  
 District Gov.

1. Name William H. Hill Age 37  
 Owner's name \_\_\_\_\_ Citizenship \_\_\_\_\_  
 Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ District \_\_\_\_\_

Parents:

Father \_\_\_\_\_ Citizenship \_\_\_\_\_  
 Mother Mary A. Robertson - dead Citizenship \_\_\_\_\_

2. Name of wife ~~Robertson~~ Age \_\_\_\_\_  
 Owner's name \_\_\_\_\_ Citizenship \_\_\_\_\_  
 Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ District \_\_\_\_\_

Parents:

Father \_\_\_\_\_ Citizenship \_\_\_\_\_  
 Mother \_\_\_\_\_ Citizenship \_\_\_\_\_

Names of Children:

1. John Hill Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Dist. \_\_\_\_\_ 20  
 2. \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Dist. \_\_\_\_\_  
 3. \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Dist. \_\_\_\_\_  
 4. \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Dist. \_\_\_\_\_  
 5. \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Dist. \_\_\_\_\_  
 6. \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Dist. \_\_\_\_\_  
 7. \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Dist. \_\_\_\_\_  
 8. \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Dist. \_\_\_\_\_  
 9. \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Dist. \_\_\_\_\_  
 10. \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Dist. \_\_\_\_\_  
 11. \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Dist. \_\_\_\_\_  
 12. \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Dist. \_\_\_\_\_

Application made by no 1

Stenographer Chas. W. Wade

X Ref, 20674

Represented by Mellette and Smith.



510937

ADMISSION TO THE FIVE CIVIL SERVICE

FILED

MAR 24 1902

*[Handwritten signature]*

RECEIVED

# **NOTICE.**

## **Cherokee - Freedmen - Enrollment.**

The Commission to the Five Civilized Tribes will continue in session at

**MUSKOGEE, IND. TER.,**

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. William H. Hill,

Talala, I. T.

Cherokee F-D-937

Register.

TAMS BIXBY,

T. B. NEEDLES,

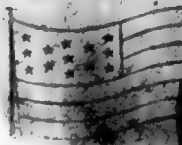
C. R. BRECKINRIDGE,

Commissioners.

Department of the Interior.

Commissioner to the Five Civilized Tribes,

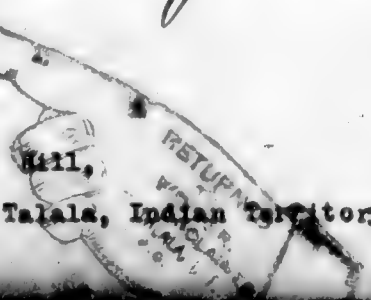
MUSKOGEE, IND. TER.



*Open through mistake by  
William H. Hill*

William H. Hill,

Talala, Indian Territory.



*177-10*

Cher. Fr. R. 442

See Cher. F. D. 674  
R- 440-1

Cher. Fr. R. 442

6.

48.939

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

AUG 13 1891

and that the same is a true and correct copy from the original.  
The Commission for the Five Civilized Tribes has adopted the foregoing  
Article of the said "petate" and will send it to the Secretary of  
the Interior for his consideration.

There is no expected before me until the 28th of September, 1891.

Commissioner.



File with Cherokee Freedmen D-734; *Hayes Hill*

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Cherokee, I.T., June 11, 1901.

In the matter of the application of William Henry Robinson for the enrollment of himself and seven children as Cherokee Freedmen, and for the enrollment of his wife, as an intermarried Cherokee Freedman; being sworn and examined by Commissioner Needles, he testified as follows:

Appearances:

Mr. Smith, of Mellette & Smith, for the applicants;  
Mr. Davenport, for the Cherokee Nation.

Q What is your name? A William Henry Robinson.  
Q How old are you? A I am about 48, or 9 years old, I don't know my age exactly.  
Q What is your postoffice? A Nowata.  
Q What district do you live in? A Cooweescoowee.  
Q You apply for enrollment as a Cherokee Freedman? A Free colored person living here at the commencement of the Rebellion.  
Q Who do you desire to enroll besides yourself? A Self and seven children.  
Q Give me the names of your children? A Josie Ann.  
Q How old is she? A 28.  
Q She will have to enroll for herself, I want the children under 21? A James Aurelius.  
Q How old is he? A 18.  
Q Next? A Jennetta.  
Q How old is Jennetta? A 16.  
Q Next? A Charles S.  
Q How old is he? A 14.  
Q Next? A Amanda Elizabeth, 12.  
Q Next? A John Savannah.  
Q How old is he? A 10.  
Q Next one? A Ollie.  
Q How old is Ollie? A 8 years old.  
Q Next one? A Next is three years old, his name is William Dewey.  
Q That all? A Yes sir, that's all under age.  
Q Are you married? A Yes sir.  
Q Is your wife a citizen? A Claimant.  
Q What is your wife's name? A Millie Robinson, nee Hill.  
Q You don't apply for her, you say, has she been listed for enrollment? A No sir, she has not been listed yet, I can enroll her of course, she is married, been married twenty-eight years.

Mr. Smith: Better apply for her.

Com'r: Applies for himself and wife Millie.

Q Are these children all living? A Yes sir.  
Q They were all born in the Cherokee Nation? A Yes sir.  
Q Is your name on any of the rolls of the Cherokee Nation? A Two, I am satisfied.

Q What rolls? A Wallace and Olifton.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not identified thereon;

1896 census roll of citizens of the Cherokee Nation examined and applicants not found thereon.

Karn-Olifton pay-roll of citizens of the Cherokee Nation examined and applicants identified thereon as follows:

page 121 #2018 William Robinson, Cooweescoowee District.

Karn-Olifton roll examined for applicant's wife and not found.

page 121 #2016 Jim Robinson, Cooweescoowee District;

page 121 #2017 Jennetta Robinson, Cooweescoowee District;

page 121 #2018 Charles Robinson, Cooweescoowee District;

Page 121 #3019 Amanda Robinson, Coowasecoowee District.

Page 121 #3020 John Robinson, Coowasecoowee District.

Page 121 #3021 Olive Robinson, Coowasecoowee District.

Q Is her name Ollie or Alvie? A Ollie.

Wallace roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:

Page 124 #3209 Wm. H. Robertson, Coowasecoowee District.

Wallace roll examined for applicant's wife Millie, and not identified thereon.

Q Did you draw Strip money for your wife? A No sir.

Examined by Attorney Smith:

Q Where were you living when the war commenced, the Civil War?

A Best of my recollection, I was living in Delaware District, on the place they call Beatty's Prairie, in the Cherokee Nation.

Q Who was your father? A Munford Robinson.

Q Who was your mother? A Annie Robinson.

Q You were a free colored person? A Yes sir.

Q You were here at the time the war commenced? A Yes sir.

Q Did you go out? A Yes sir.

Q Where did you go? A To Ft. Scott, Kansas.

Q When did you return first to the Cherokee Nation? A In May, '66.

Q Where have you been living since that time? A In the Indian Territory.

Q What Nation? A Cherokee Nation.

Q Have you any children now older than James A.? A Yes sir.

Q Name them? A Josie Ann and Eva Ellen.

Q Is Josie Ann married? A Yes sir, her name is Rosie Ann Slaughter.

Q Where does she live? A At Dewey, Coowasecoowee District, Cherokee Nation.

Q What is your other daughter's full name? A Eva Ellen Anderson.

Q Tell her husband's first name? A Arthur.

Q What is Slaughter's first name? A Charlie.

Q Have they any children, either one of them? A Slaughter has a step-child.

Q But your daughter I speak of? A Yes, one.

Q What is that child's name? A Smith. Married a second time; her first husband was Smith, second husband was Slaughter, that's the one she lives with now.

Q That is the christian name of the child? A Sadie.

Examined by Cherokee Representative, Davenport:

Q Now Robinson, you were living at what point in the Cherokee Nation when the war broke out? A I was living on the place they call Beatty's Prairie, near the neutral land in the strip, I think it is in Delaware District.

Q Who were living near where you were living at that time? A Old man named Nodde is the only one.

Q Was that Jeff? A I don't know.

Q Was Joe Ward living there? A I don't know anything about that.

Q Where was Jim Yeargin's family? A I don't know.

Q How old were you when the war broke out? A Between seven and eight years old.

Q How old is your oldest child now? A 26.

Q You went out of the Nation during the war and to what point did you go? A Fort Scott.

Q How long did you stay at Ft. Scott? A During the war.

Q That's where you got acquainted with William Y. Foreman?

A First of my recollection; of course I had seen him before, but I didn't get acquainted with him.

Q You came back to the Cherokee Nation when? A In '66, May.

Q You came back before or after the Treaty was made? A After.

Q Did you come back in May? A May.

Q When you came back to what point in the Cherokee Nation did you come? A Big Cabin Creek, not very far from Lee Robinson's old place.

Q Who was living on the Lee Robinson place at that time, do you

one? A Mr. Foreman, I believe,  
Q Where was Bent Schrimsher when you came back? A My recollection is he lived over east somewhere. I don't know where.

Q Where was Reuben Sanders, and Solon James? A I don't know a thing about Solon James, but I remember Reuben Sanders and then, they lived on Big Creek. I don't know whether they came there after, or I think it was just about the time I moved in here.

Q William Foreman, did he live in Coowessocowee or Delaware District at that time? A He lived in Coowessocowee.

Q He is the same William Foreman that you and your brothers and sisters gave the one hundred and twenty-five dollars to to swear for you in the Keen-Clifton enrollment isn't he? A Same man.

By Mr. Smith:

Q What did you give him \$125 dollars to swear for you for? A That's his price, he charged that, and more than that he was to follow the court in case of rebuttal he was to see that we wasn't injured, and he had to travel backwards and forwards on the railroad and pay his expenses, consequently we just volunteered to give him that amount.

Q Who is William Foreman? A A Cherokee man.

Q Was he acquainted with the facts in your case? A Yes sir.

Q Did you hire him to swear to anything that wasn't the facts? A No sir.

By Mr. Davenport:

Q You just simply hired him to represent, he your brains? A No sir.

Q Was that Mr. Elythe living there near you before the war? A No sir.

By Gen'r Needles:

Q This man Foreman, he was also acting kind of attorney was he?  
A Might determine it that way, children you know, our parents deceased.

Q Was anybody else included in that \$125 dollar fee besides your family? A No sir.

By Mr. Smith:

Q Was Foreman an older man than you? A Yes sir indeed.

Q You say he was acquainted with the facts in your case?

A Yes sir.

Q Did he demand that much from you? A He thought it ought to be worth about that much.

Q He knew the facts in your case, were there any witnesses who did know the facts? A There was two others we had that was acquainted with them.

Q That matter of paying Foreman wasn't before this Commission?

A No sir.

Q That was at another time, when the Clifton roll was made?

A Yes sir.

LEWIS WHITMIRE, being sworn by Gen'r Needles, testified:

By Mr. Smith:

Q State your name? A Lewis Whitmire.

Q Where do you live? A On Lightning Creek.

Q What is your postoffice? A Hayden.

Q What is your age? A 62 years old.

Q You know this applicant, William H. Robinson? A Yes sir.

Q How long have you known him? A I don't know exactly, I guess it has been about 38 or 9 years.

Q Did you know him before the war? A No sir, I knew him in time of the war.

Q Where was he in time of the war? A He was at Ft. Scott.

Q When did you first see him in the Cherokee Nation after the war? A First place I saw him was out here about a mile and a half south-west of Timbered Hill.

Q How far from Chelsea is Timbered Hill? A I don't know how far

it is from here, the place I saw him is about eight miles north-west of Vinita.

Q When did you see him first? A It was the winter of '88, I don't know exactly what time; it was winter, I don't know whether it was December or January.

Q You remember how long it was from Christmas? A No sir, I don't remember how long it was until Christmas.

By Mr. Davenport:

Q You remember whether it was before or after Christmas? A I don't remember whether it was before or after Christmas.

Q You came back to the Territory in the summer of '88? A Yes sir I came back here in the summer of '88.

Q And it was sometime in the following winter you saw him? A Yes sir

Q You don't know what time? A No sir.

Q No - what month of the year? A No sir, I don't.

By Mr. Smith:

Q Under what circumstances did you see him? A He was living with his father and mother in a old Government tent; camped right down in the bottom on the bank of Big Cabin Creek; I was horse hunting at that time.

HARRY STILL, being sworn by Gen'l Needles, testified as follows:

By Mr. Smith:

Q State your name? A Harry Still.

Q Where do you live? A Hayden.

Q You know this applicant, William H. Robinson? A Yes sir.

Q How long have you known him? A Since '88.

Q Where was he in '88? A First time I saw him was on the neutral land when we started to Kansas.

Q Who was he with when you saw him first? A His mother and father, and his brothers and sisters.

Q What was his father's name? A Old man Robinson I always called him.

Q You remember his mother's given name? A No sir, I don't remember her given name.

Q When did you first see him in the Cherokee Nation after the war?

A In the winter of '88, over here on Cabin Creek, first time, not far from the Newt Schrimsher place.

Q About what time was that? A It was along in the winter of '88 when I saw him there.

Q How many trips did you make back to the Cherokee Nation? A Three.

Q When did you come back here the third time? A In the fall of '88

Q About what month? A Sometime in October I think.

Q About how long after that was it before you saw this man William H. Robinson? A Maybe I am mistaken, I went back after Aunt Nancy when she died up there at Timbered Hill and I found William and his folks up there then; it was getting kinder late in the year; near the old Schrimsher place.

Q And when was it you think? A Sometime in the winter or fall of '88, I mean the last part of '88.

Q Was it before or after Christmas? A Before.

Q Before Christmas of '88? A Yes sir.

Q Do you know where he has been living since that? A Yes sir.

Q Where? A Next time I saw him he was clearing a place after that about three miles from there, and then along in the summer of '88 he and his brother worked together up here on Snow Creek, I have been knowing him ever since; we worked there awhile, and he went back over here where he started a place over here on Cabin Creek, and I have been knowing him around in the Nation, I don't know how many places he did live, I have been him up here where he is living now.

Q How long has he been living where he is living now? A I don't



Q How long has he been living where he is living now? A I don't know exactly, I have knowed him out on cane/ while, living out there, and right around in the Nation here all the while, we worked together in '84.

By Gen'l Needles:

Q When you talked about the neutral land, that was a claim considered part of the Cherokee Nation? A Yes sir.

By Mr. Davenport:

Q That is the first time you have ever testified for Robinson?

A Yes sir.

Q You was around with the Kerr-Clifton Commission in 1896?

A Yes sir.

Q Mr. Robinson was there? A Yes sir.

Q You knew he applied? A Yes sir.

Q They didn't use you then, they used W. Y. Foreman? A Yes sir, he had other witnesses.

Q You knew the same facts then you know now? A Yes sir.

Q And never did tell them? A Nobody never did ask me to tell them.

Q How did it happen you was on Big Creek in the latter part of '86, and saw this fellow? A Went back to get my aunt.

Q Was there a road from Big Creek down towards Neosho River at that time? A No sir.

Q How did you happen to straggle on him? A It was right on my road, right across the prairie.

Q You never lived in that neighborhood towards Big Creek where Sam Webber lived? A No sir, I lived on middle prong of Lightning Creek.

Q How far from Hayden's postoffice? A Three or four miles.

Q And you were going up to Newt Schrimsher's place to get your aunt?

A Yes sir.

Q Was Robinson grown then? A He looked big as he is now, he was a good big fellow; when we went to Kansas together he was nearly grown.

Q Just at the breaking out of the war? A Yes sir, he was a young man, the other boys wasn't as large as he was.

Q You didn't know anything of them when the war broke out? A When we started to Kansas we got with the command taking refugee negroes out here, first time I saw William was up in the Neutral land, and we went together from there to Ft. Scott.

Q There was a whole lot of other colored people along? A Yes sir.

Q You remember him because he was nearly grown? A I remember him and his family because they was people I never forget.

Q What makes you think it was before Christmas in '86 that you saw them up there on Big Creek? A Because I am satisfied it was.

Q You have nothing on which to base your satisfaction? A I know I went after aunt Nancy and she was dead, and the result was I found them.

Q You know that was in the winter of '86? A Yes sir.

Q You know what time the applicant came back to the Cherokee Nation?

A No sir, I know I went with him, and that's what time I saw him over there.

Applicant, WILLIAM HENRY FOREMAN, re-called and further examined, by Gen'l Needles:

Q Where were you born? A In the Cherokee Nation.

Q Your father and mother free? A Yes sir.

By Mr. Davenport:

Q Your parents, were they alive then? A Not that I know of.

Q You didn't reside in Arkansas in '81? A No sir, I didn't know it.



WILMORE HICKS, being sworn by Con'r Needles, testified as follows:

By Mr. Smith:

- Q State your name? A Wilmore Hicks.  
Q Where do you live? A In Vinita now.  
Q How old are you? A 53.  
Q You know William H. Robinson, this applicant? A Yes sir.  
Q How long have you known him? A Ever since the winter of '67.  
Q You didn't know him before the war? A No sir.  
Q Did you know his father before the war? A No sir.  
Q Nor his mother? A No sir.  
Q You don't know where they lived before the war? A No, I don't know.

By Con'r Needles:

- Q Are you a Cherokee citizen by blood? A Yes sir.  
Q You don't know whether this applicant was a slave before the war or not? A No sir.  
Q First time you saw him was in January, '67? A Yes sir.  
Q Where? A On Cabin Creek.  
Q Cherokee Nation? A Yes sir.

By Mr. Davenport:

- Q What was he doing then Cap, when you saw him? A They were camped on the Creek there when I saw them.  
Q You don't know where they had been during the war? A No sir.  
Q Had they just come from Kansas or some other place, or just seemed to be camping there? A They seemed to have been there somewhere.  
Q About a year? A No, not that long.  
Q What makes you think it was January, '67? A I can tell you; Bill Foreman, I had been hired to Bill Foreman, he moved to Big Creek and from Big Creek back to Cabin Creek; I had been working for him about three months I guess, right along, and I went home about the first of December, he owed me twenty-five dollars, he told me to come back after Christmas about the first of January, he didn't have any money, and I stayed there about four or five days waiting for him.  
Q Where was Bill Foreman living then? A On the John Foreman place.  
Q How far from the Lee Schrimsher place? A About two or three miles; while I was waiting there for Foreman and hunting around I run across this family; hunted on the creeks there and around through the country, nothing to do but hunt around.  
Q How far were they from the Lee Schrimsher or Foreman place when you run across them? A About a mile and a half.  
Q Did you work for Bill Foreman around the Foreman place in '66? A Yes sir.  
Q Did you see them there during that year of '66? A No sir.  
Q Were you following cattle around over the creeks? A Well, I was driving cattle for Foreman, and driving teams.  
Q You had been on the creeks around where you saw them in '67? A Not much, Foreman never left Big Creek until about December and he came to Cabin Creek, and about the first of December I went home, and about the first of January I come to get my money.  
Q Were you with Foreman from May to December, '66? A No never lived there up until then.  
Q Were you around the Schrimsher place from May up to '66? A I passed there twice.  
Q How far did you work from the Schrimsher place during '66? A About three or four miles down the creek.  
Q Did you see this applicant or his family about the Schrimsher place at any time during the year of '66? A No.  
Q How often did you say you passed the Schrimsher place? A I passed there twice. We come there as we moved over and when we come back we come back that way.

Applicant, WILLIAM HENRY ROBINSON, re-called and further examined; by Com'r Needles:

Q You present a marriage certificate certifying that you married your wife, Millie, did you ever have a license? A No sir, that is the first license I got.

Q Never had any license? A No sir, that's the first time we was married, we married only according to customs.

Q Was you ever married but once? A Yes sir, I married twice, but to the same woman.

Q What did you marry twice for? A She come in as a claimant, they failed to respect her such some years ago, and consequently we was advised to marry according to Cherokee laws.

Q When you marry according to Cherokee law don't you have to procure a license? A That is all the license they claimed it was necessary for me to have.

By Mr. Smith:

Q Where did you marry your wife first? A In the Cherokee Nation.

Q How many years ago has that been? A 28 years ago.

Q Have you been living together as man and wife ever since that?

A Yes sir.

Q Who were you married by? A Brother named Nathan Duffin, a preacher.

Q Is he living or dead? A Dead.

Q Is there anyone here who saw you married? A I guess so, Thomas Mayfield was present.

THOMAS MAYFIELD, being sworn by Com'r Needles, testified as follows:

By Mr. Smith:

Q State your name? A Thomas Mayfield.

Q Where do you live? A On Grand River.

Q In what nation? A Cherokee Nation.

Q Do you know this applicant, William H. Robinson? A Yes sir, I know him.

Q You know his wife? A Yes sir.

Q Were you present when they were married? A Yes sir.

Q Was married them? A Nathan Duffin.

Q About how long ago has that been as well as you can remember?

A Might near fifteen or twenty years ago.

Q Might have been near that? A Might have been.

Q You don't know how long it has been? A No sir, I don't know exactly.

Q Was Duffin a preacher? A Yes sir.

Q Where were they married? A Married in my church house there on Grand river, Island Ford.

Davenport, Cherokee Rep've, waives examination.

Applicant, WILLIAM HENRY ROBINSON, re-called and further examined; by Com'r Needles:

Q When were you married the first time? A Married last day of August, '72, I believe.

Q You know the reason your name is not on the roll of 1880?

A No sir.

Q Did you ever apply to have it put down? A I applied and I supposed they put it on, but it failed to show up.

Q You applied did you? A Yes sir.

Mr. Smith offers a marriage license, and hands it to Mr. Davenport, for examination.

Mr. Davenport:--The Representatives of the Cherokee Nation object to the introduction of the certificate of marriage offered, for the reason that at the time it was con-

outed there was no law in force in the Cherokee Nation authorizing the issuing of marriage certificates according to Cherokee law by which anyone marrying a recognized citizen could acquire property rights in the Cherokee Nation, the law having been repealed on December 16th, 1895, and for the further reason that there was no law authorizing a clerk to issue a certificate of marriage according to the laws of the Cherokee Nation to any parties other than recognized citizens of the Cherokee Nation, and if the clerk violated his duty it would give no force to the applicant in establishing his right as to having been a free colored person at the breaking out of the war and residing in the Cherokee Nation, having returned in accordance with the treaty.

Applicant examined by Com'r Needles:

Q You apply for your wife as an intermarried citizen? A Yes sir.

By Mr. Smith:

Q Did your wife apply for enrollment? A Her mother has a claim on file here, so I understand.

Com'r Needles: William H. Robinson applies for the enrollment of himself and wife and seven children; to-wit: Janet A., Jennetta, Charles S., Ollie, Amanda E., John S., and William D. Robinson; he avers that he is a free colored person, never a slave, and was a resident of the Cherokee Nation before the adoption of the treaty of 1866; he went out of the Cherokee Nation during the war between the North and the South and returned in the year 1866; he avers that he was married to one Millie Hill, a non-citizen; he however avers that his wife is an applicant or has a claim for citizenship; he presents no proof whatever as to the citizenship of his wife, and her name cannot be found upon any of the rolls of the Cherokee Nation now in the possession of this Commission; he makes verbal proof of his marriage to his wife, Millie, more particularly shown in the testimony; he also files certificate signed by Joe M. Lahay, Clerk of Gooweescoowee District, certifying that he was married in accordance with the laws of the Cherokee Nation on the 10th day of March, 1897, to one Millie Robinson, nee Hill, a citizen of the United States, said certificate being recorded on page 132, book E, of marriage record of Gooweescoowee District; upon examination of the rolls of the Cherokee Nation his name cannot be found upon the authenticated roll of 1890, but he is duly identified upon the Kern-Clifton and the Wallace rolls, and his children are duly identified upon said roll, with the exception of the youngest child, William D., three years of age, which makes it necessary for him to file satisfactory proof of marriage of said child; consequently, said William H. Robinson and his children as enumerated herein, will be duly listed for enrollment as Cherokee Freedmen upon a doubtful card, and his wife, Millie, will be duly listed for enrollment as Cherokee Freedmen by intermarriage or by her inherent rights, as the testimony may develop; he will be duly notified by mail of the action of the Commission on his application when arrived at.

APPLICANT re-called, supplemental examination

By Mr. Smith:

Q Did you ever have any law case, law case tried in the Cherokee court? A No sir.

By Com'r Needles:

Q Ever vote in the Cherokee Nation? A Yes sir.

Mr. Davenport:

Q Who did you vote for? A I don't know how many.

Q Joe Lahay? A No, I don't know as I voted for Joe Lahay to get him to sign anything for me.

Q Who did you vote for? A I voted for the treaty, and I voted for Mr. Buffington and I voted for you when you was running.

Q Are you sure of that now? A I know it.

By Com'r Needles:

Q Was Davenport's majority over one? A I don't know that.

Q If it wasn't over one we could throw him out, because yours was illegal, eh? A (No reply)

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, M. D. Green.

Subscribed and sworn to before me this June 20, 1901.

Signed, T. B. Needles,

Commissioner.

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Supplemental Testimony.

P.D. #374.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Nowata, I.T., June 27th, 1901.

Supplemental testimony in the matter of the enrollment of William H. Robinson as a Cherokee Freedman; introduced on the part of the applicant:

WILLIAM FOREMAN, being duly sworn by Commissioner T. B. Needles, testified as follows:

Appearances:

Messrs. Mellette & Smith, for Applicant.

Messrs. Hastings and Davenport, for Cherokee Nation.

By Mr. Smith:

Q State your name? A William Foreman.

Q Where do you live, Mr. Foreman? A Near Wagoner.

Q How long have you lived in the Cherokee Nation? A 64 years a little over.

Q Are you a citizen of the Cherokee Nation? A Yes, sir.

Q Citizen by blood? A Yes, sir.

Q Do you know this applicant, William H. Robinson? A Yes, sir.

Q How long have you known him? A First knew him in '89.

Q Where? A Lees Country on Cabin Creek.

Q In the Cherokee Nation? A Yes, sir.

Q What was he with at that time? A With his father and mother, they were living there working there.

Q What was his father's name? A Lamford I think.

Q What were they, Mr. Foreman, slaves or free colored persons? A My understanding is that they were free.

Q Where did you first see that family back in the Cherokee Nation after the war? A First saw this boy and his mother near Lees country in May, '88, but his father and mother I never saw since the war.



Q Well, how old was William when you saw him in '66, after the war here? A He was a young man probably 18, 17 or 18, somewhere along there, a young man.

Q Did you know the wife of Lumford, did you know his mother?

A Yes, sir, I saw her at Fort Scott in '68.

Q What was her name? A I could not tell you.

Q Where did you say you saw her in '68? A I left them at Fort Scott in '68.

Q Now, were you acquainted with his mother before the war?

A No, sir, only at Lees Country in '62.

Q Where was she? A Working there.

Q And they were free colored persons you say? A Yes, sir, they claimed to be from Arkansas.

Q Well, you were acquainted with this country? A Yes, sir.

Q You know whether they belonged to anybody? A They didn't belong to anybody in this country that I knew of.

By Mr. Hastings:

Q When did you say you knew the applicant first? A I first saw him in '62 at Lee Schrimsher's.

Q Is that the first time you ever saw the applicant? A Yes sir.

Q You testified for him before the Kern-Clifton Commission? A Yes sir.

Q You testified that you saw him on Shoals Creek with Blye in '61?

A No, sir; some of that isn't correct.

Q How do you know this testimony isn't true? A I have seen it and know it is not true.

Q Where did you see a copy? A Some fellow had it there.

Q Fellow L. A. Bell? A I think so.

Q Where were you living in '61? A I was living on Poteau river about six or seven miles below Chetopa.

Q What time of the year was it you saw this fellow? A Along in the fall.

Q How long did you see him there? A I saw him there two different times, I was passing there and stayed all night at Lees country one time.

Q Do you know where this family came from? A No, sir, only what they claimed.

Q What did they claim? A Claimed to come from Arkansas.

Q You swore that they refugees from Arkansas in '64 then didn't you? A I don't know.

Q Did Lee Schrimsher live on the line? A No, sir, lived on Big Cabin Creek.

Q Well, didn't you swear before that you saw this Robinson in '61 or 2 on the neutral land? A I don't think I did.

Q Well, do you deny that now? A Yes, sir, I do.

Q You admit though that you testified for them before the Kern-Clifton Commission? A Yes, sir.

Q Now how many did you see in '66 of this family?

A I could not tell, the old man and his wife and a lot of children, this boy and another he claimed to be his family.

Q I thought you said just now you never saw his father?

A I saw him at Lee Schrimsher's in '62.

Q I mean in '68? A I never saw him in '68.

Q Now, who did you see in '66? A I saw this boy and his brother.

Q Was he older or younger? A Older.

Q And you only saw this boy about in '66? A He came there to Lee Schrimsher's in May, '66.

Q How long did he stay in there? A I don't know, he come in.

Q Was Lee Schrimsher there? A No, sir.

Q Who was along with you? A A fellow named Wolf, Dutchman.

Q Did he settle there with them? A He did that fall.

Q Where were you being? A I was going up to the Dave Martin place.

Q Who was living there at that time? A Nobody.



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Q Did you have a place there at that time? A First bought a place from Tom Hudson and I afterwards sold it to Bill Martin.

Q Was there a place made in '66? A Made before '66.

Q Was any crop in then, '66? A No, sir.

Q Did you ~~know anything about it~~ put any in? A No, sir, I moved out there and intended to stay and they stold my cattle.

Q Did you have any family with you? A No, sir, just some work hands.

Q Well, how long after that was it before you saw this Robinson family? A The next time I saw this one was when Wallace had the Wallace Court.

Q You don't know what became of them between that and the Wallace Court? A No, sir.

Q Did you see any other members of the family in the meantime?

A No, sir.

Q These two then were there alone? A Yes, sir, just the two, they claimed they was camped on Russell Creek; I don't know whether they was or not, I didn't see them.

Q How far was Lee Schrimsher's from Russell Creek? A About 25 miles.

Q Lee Schrimsher lived on Cabin Creek? A Yes, sir.

Q About how far from Vinita? A About ten miles.

Q There was nobody there in this house at that time? A No sir.

Q What were they doing down there? A They come there to see if Lee Schrimsher had come back for they wanted to get work.

Q There were five of these brothers applied before the Kern-Clifton Court? A I don't remember.

Q You charged them \$1.25 didn't you? A I think I did.

Q To testify in that case? A Yes, sir.

Q Are you charging them anything this time? A No, sir; they paid my fare up here from Wagoner.

Q You were at Chelsea when this man expired? A No, sir; I was there three days at Chelsea and I understand he made application after I left there.

Q He was there while you were there? A Yes, sir.

Q And you saw him there? A Yes, sir.

A By Mr. Smith:

Q Why did you charge him \$1.25 before the Kern-Clifton Commission?

A I thought it was right that I should have pay for my trouble running around tending to these courts, it cost me something to be here.

Q Where did you have to go to when you testified before the Kern-court? A I went from Wagoner to Lightning Creek, where the Court was held.

Q Was it at Lightning Creek he made his application? A Yes, sir.

By Mr. Hastings:

Q How far is it from where you lived to Lightning Creek?

A I come around by this place, I suppose it is about 25 or 30 miles.

Applicant offers in evidence some permits issued by the authorities of the Cherokee Nation.

Counsel for Cherokee Nation objects to the introduction of said permits for the reason it is irrelevant, incompetent and immaterial.

Permits are permitted to be filed.

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 15th day of July, 1901.

Signed, J. O. Rosson.

Signed, T. B. Needles, Commissioner

WIRE TO BUREAU  
ALL INFORMATION  
CONTAINED HEREIN IS UNCLASSIFIED  
DATE 10-10-81 BY 1043

...only sworn, says that as ethnographer to  
the government of the Five Civilized Tribes he copied the foregoing.  
and that the same is true and correct copy from the originals.

Amos B. Jones

...to the Bureau on this the 15th of August, 1901.

[Signature]

Commissioner.

YOUNG  
H. I. R.  
COMMISSIONER OF THE  
DEPARTMENT OF  
THE INTERIOR

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Com'r Needles: William H. Hill applies for the enrollment of himself and his brother John Hill; they are not identified on any of the rolls of the Cherokee Nation now in the possession of the Commission; he avers that he is the child of Mary Ann Robinson and that he is the nephew of William H. Robinson, the said William H. Robinson being a brother of his mother. The Commission is of the opinion that the weight of the testimony in this case will now justify the enrollment of the said William H. and John Hill, but attention is called by the attorney for the applicants to the testimony of the said William H. Robinson on Cherokee Freedman Doubtful card #674, and reference is therefore made to said case and a copy of the testimony therein will be filed herewith, and the said William H. Hill and John Hill will for the present be listed as Cherokee freedmen on a doubtful card, and when the final decision of the Commission is arrived at he will be notified thereof by mail.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause, and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Signed, Chas. von Weise.

Subscribed and sworn to before me this 13th of July, 1901.

Signed, T. B. Needles,

Commissioner.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing and that the same is a true and correct copy from the original.

*Bruce C. Jones*

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Newata, I.T., June 28th, 1901.

In the matter of the application of William H. Hill for the enrollment of himself and his brother, John Hill as Cherokee freedmen; he being sworn by Commissioner T. S. Needles, testified as follows:

Mallette & Smith for the applicant-  
W. W. Hastings for the Cherokee Nation-

By Com'r Needles:

- Q What is your name? A William H. Hill.  
Q How old are you? A I don't know exactly, about 35 or 4.  
Q What is your postoffice address? A Talala.  
Q In what district do you live? A ooooooowee.  
Q Do you want to be enrolled as a Cherokee freedman? A Yes sir.  
Q Who else do you want to have enrolled? A My brother.  
Q How old is he? A 20.  
Q What is his name? A John Hill.  
Q Have you been recognized by the Cherokee authorities as a Cherokee freedman? A I guess so.  
Q Is your name on the roll of 1880? A No sir.  
Q Is it on any of the rolls? A I don't know.  
Q What is your mother's name? A Mary Ann Robinson.  
Q What is your father's name? A Milton Hill.  
Q ~~What is your father's name?~~ Are you married? A Yes sir.  
Q What is your wife's name? A Lottie Holmes when I married her.  
Q Do you apply for her? A Yes sir.  
Q Is she a citizen? A No sir.  
Q When were you married to her? A 3 years ago.  
I want let you apply for her, you married her too late and I would just have to reject her and it will only confuse the record and there is no use of it.

By Smith-

- Q Where do you live? A On Caney river.  
Q How long have you lived there? A 16 or 17 years.  
Q Who did you say your mother was? A Mary Ann Robinson.  
Q Do you know William H. Robinson? A Yes sir.  
Q In what way is your mother related to him? A His sister.  
Q Has your mother any other brothers? A Yes sir.  
Q What are their names? A Tobe, Wesley.  
Q Robinson? A Yes sir.  
Q Has she any sisters? A Yes sir, Vinay Martin and Marguerite Hill.  
Q How long have you lived in the Cherokee Nation? A Off and on all my life.  
Q Where were you born? A I don't know exactly.  
Q What is your information as to where you were born? A In Kansas.  
Q Do you know when your mother married your father? A No sir.  
Q Is your father alive? A Yes sir.  
Q Is your mother alive? A No sir she is dead.  
Q Do you know where she died? A In Kansas, I think.  
Q How old are you? A I don't know exactly, 35 or 4, somewhere along in there.  
Q How long have you been living at the place where you live now?  
A 16 or 16 years, somewhere along there..  
Q Are you on any of the rolls? A I don't know.  
The 1880, 1896, Kern-Clifton and Wallace rolls examined and the applicant not found on either of them.  
Q You say you have been living off and on for 15 or 16 years where you do now? A Yes sir.  
Q How old were you when you went to live where you do now? A I don't know exactly how old I was.  
Q Well about how old? A 18 or 19 years.

- Q Where had you been living before that? A Just off and on in the Cherokee Nation.
- Q You had lived part of the time before that in the Cherokee Nation? A Yes sir.
- Q And you had been out part of the time? A Yes sir.
- Q Where had you lived in the Cherokee Nation before you lived where you live now? A On Big Creek.
- Q Who with? A Sam Webber.
- Q How long did you live with him? A Off and on about a year.
- Q That was just before you went to where you live now? A Yes sir.
- Q Have you ever lived anywhere else in the Cherokee Nation except these two places? A Yes sir, about 2 or 3 miles from there, I worked for Uncle Manuel Ward at his place.
- Q Was that before you went to Sam Webber's? A No sir after.
- Q Where did you live before you went to Sam Webbers? A I don't know exactly.
- Q What kind of work did you do that time? A Farmed.
- Q Did you have a place of your own or just hired out? A My mother had one and I just worked out.
- Q What kind of work did you do? A Farmed and cutting wood.
- Q How long have you been married? A 3 or 4 years.
- By Hastings-
- Q Are you called Harrison? A Yes sir.
- Q Where were you married? A On Caney.
- Q Have you a brother Jim? A Yes sir.
- Q And one named Hayes? A Yes sir.
- Q One named John? A Yes sir.
- Q There is five of your children? A Four of them.
- Q These children are all younger than you? A Yes sir.
- Q Where were you born in Kansas? A I don't know sir.
- Q Where were your younger brothers born? A I don't know sir.
- Q Weren't you there when they were born, you are the oldest? A Yes sir I am the oldest, I may have been away.
- Q Wasn't you living with your mother when they were born? A Part of the time.
- Q Jim is three years younger than you? A Younger than that.
- Q Don't you know where Jim was born? A I guess he was born in Kansas.
- Q Don't you know where Hayes was born? he is 6 years younger than you A I guess he was born there too, I reckon.
- Q Where was John born, he is 11 years younger than you? Was he born there too? A No sir here.
- Q Your mother is dead? A Yes sir.
- Q She died in Kansas? A Yes sir.
- Q How long ago? A 18 or 19 years ago, I guess.
- Q Were you living with her when she died? A Yes sir.
- Q And up to the time she died? A Yes sir.
- By the Commission-
- Q Where did she die? A In Kansas.
- Q Where did you marry? A On Caney.
- Q In the Cherokee Nation? A Yes sir.
- Q How long have you lived in the Cherokee Nation? A 16 or 17 years; maybe longer than that.
- Q Who with? A With my uncle.
- Q Where has John been living? A With my father in the Cherokee Nation.
- Q Did you ever live with your father? A Yes sir.
- Q In the Cherokee Nation? A Yes sir.
- Q When did he come to the Cherokee Nation? A He come off and on all the time.
- Q Where was he when your mother died? A In Kansas.
- Q She never come here at all? A Yes sir she come before I was born.
- Q But you were born in Kansas? A Yes sir.



By Com'r Needles: William H. Hill applies for the enrollment of himself and his brother John Hill; they are not identified on any of the rolls of the Cherokee Nation now in the possession of the Commission; he avers that he is the child of Mary Ann Robinson and that he is the nephew of William H. Robinson, the said William H. Robinson being a brother of his mother. The Commission is of the opinion that the weight of the testimony in this case will now justify the enrollment of the said William H. and John Hill, but attention is called by the attorney for the applicants to the testimony of the said William H. Robinson on Cherokee Freedman Doubtful card #874, and reference is therefore made to said case and a copy of the testimony therein will be filed herewith, and the said William H. Hill and John Hill will for the present be listed as Cherokee freedmen on a doubtful card, and when the final decision of the Commission is arrived at he will be notified thereof by mail.

Chas. von Weiss, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Signed, Chas. von Weiss.

Subscribed and sworn to before me this the 15th of July, 1901.

Signed, T. B. Needles,  
Commissioner.

QQ

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing and that the same is a true and correct copy from the original.

*Bruce C. Jones*

Sworn to and subscribed before me this the 20th of August, 1901.

*T. B. Needles*

Commissioner.

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COMM.

THE FIVE C. & L. D. H. S. S.

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JUL 13 1901

ACTING CHAIRMAN

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Nowata, I.T., June 22, 1901.

In the matter of the application of Hayes Hill for enrollment as a Cherokee Freedman.

APPEARANCES:

Mellotte & Smith, attorneys for applicant;  
W. V. Hastings, of counsel for Cherokee Nation.

Hayes Hill, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Hayes Hill.

Q What is your age? A I don't know exactly, I suppose somewhere between 21 and 22.

Q What is your postoffice? A Talala.

Q What district do you live in? A Cooweescoowee.

Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.

Q Who do you want to enroll besides yourself? A Just myself.

Q Your father's name? A Milton Hill.

Q Is he alive? A Yes, sir.

Q What is your mother's name? A Mary Ann Roberson.

Q She living? A No, sir.

Mr. Smith: Where do you live now? A I live on Caney.

Q What is your postoffice? A Talala.

Q How long have you lived where you live now? A Oh I guess about 15 or 17 years, somewhere along there, I don't know exactly, I think about.

Q Which is the older, you or Will Hill? A Will Hill, who is that?

Q Is Harrison Hill's name William? A Yes, sir; I am the youngest, he is older than I am.

Q Who was your mother? A Mary Ann Roberson.

Q Do you know William H. Roberson? A Yes, sir.

Q What relation is he to you? A Uncle.

Q Is William H. Roberson got any brothers? A Yes, sir.

Q What are their names? A One named Tobe and one named Wesley Roberson.

Q Are you married? A No, sir.

Q Single man? A Yes, sir.

Q Do you know where your mother died? A In Kansas I think.

Q About how old were you when your mother died? A I don't know, I was small, I don't know, maybe five or six, somewhere along there, a small boy.

Mr. Hastings: Where were you born? A Kansas.

Q How old are you now? A I don't know exactly, but between 21 and 22 somewhere along there.

Q And you were about five or six years old when your mother died?

A Something long there, I don't know exactly.

Q How many brothers have you? A Three besides myself.

Q When did you come to the Cherokee Nation? A Oh lets see, been about 17 or 18 years maybe.

Q You have been living here ever since then? A Ever since.

Commissioner: Your name on any of the rolls of the Cherokee Nation?  
A I don't think it is, no, sir.

The Tribal rolls of the Cherokee Nation in the possession of this Commission examined, and the applicant not identified thereon.

Commissioner: Hayes Hill applies for the enrollment of himself. He avers that he is the son of Milton Hill and Mary Ann A. Roberson. He is the nephew of William H. Roberson, who was listed for enrollment on D card 674, and his attorneys ask

Hayes Hill - 2.

that a copy of the testimony taken in the case of William H. Robertson be made part of the record in the case at bar, and a copy thereof filed herewith, which will be done. Now comes the attorneys for the Cherokee Nation and ask that a copy of the testimony taken in the application of Harrison Hill, brother of the applicant, who is listed for enrollment on D card 237, be made part of the record in the case, at bar, which will be done, and a copy of said testimony will be filed herewith. The applicant makes satisfactory proof as to residence. His name is not found upon any of the rolls of the Cherokee Nation. He will now be listed for enrollment as a Cherokee Freedman on a doubtful card. He will be duly notified by mail of the action of the Commission in the premises.

\*\*\*\*\*

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 11th of July, 1901.

B. C. Jones

Commissioner.

2

C.F.D-674.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., March 8, 1908.

Supplemental testimony on behalf of Cherokee Nation, in the matter of the application of William H. Robinson for the enrollment of himself, wife and children as Cherokee Freedman.

Appearances:

Mr. Mellette, or Mellette & Smith, Vinita, I.T., attorneys for the applicants;

W. W. Hastings, attorney for the Cherokee Nation.

Elizabeth Davis, being first duly sworn, and being examined testified as follows:

By Mr. Hastings:

- Q What is your name? A Elizabeth Davis.
- Q What is your age, Mrs. Davis? A 57.
- Q What is your post-office address? A Fort Scott, Kansas.
- Q How long has Fort Scott Kansas been your post office? A Since '65.
- Q You formerly lived in this country? A Yes sir.
- Q Do you know a coloredman by the name of Mumford Robinson?
- A Yes sir.
- Q When did you learn to know him? A In 1863. He was at Fort Scott, when I left.
- Q Did you continue to live there during the war? A Yes sir.
- Q And after the war? A Yes sir, I lived up there right along.
- Q Do you know his wife? A Yes sir.
- Q What is her name? A Anna.
- Q Do you know any of his children? A Yes, I knew his children.
- Q You know any of their names? A Had one named Lizzie, and a boy named William and one Jim and Tobe and Wesley, and I don't know, he had whole house full.
- Q How long did you continue to know this family at Fort Scott, Kansas? A I knew him from '63 down to the winter of '69.
- Q Did you know them continuously? A Yes sir, they lived right there; I was about two blocks away from them.
- Q Did you have occasion to see them frequently? A Yes sir, I saw them pass, they would have to pass my house to go to town.
- Q You know where they went to from there or where they were gone?
- A I don't know where they went to.
- Q You know whether they had a house there or not? A Yes sir, they owned their home there; they bought their house; I don't know whether they bought a lot and built the house or whether they bought the house, I couldn't say, it was just a frame building, that was there when I left; I know they owned that and sold it.
- Q You positive that they lived there until the fall or winter of '69? A Yes sir, I am positive; how that is, Mrs. Runyan - her father, Mr. Anthony died in July, 1869, and they was there then, and in the fall the boys helped dig the potatoes and gather the crop; him and his son Walter Runyan both died the same month, and left the widow woman and the girls and she got these boys to gather the crop.

By Mr. Mellette:

- Q Are you a white woman? A Yes sir.
- Q You are of white blood? A Yes sir.
- Q You are not of Cherokee blood? A No sir.
- Q This W. H. Robinson you have been talking about? A W.H. Robinson is Mumford Robinson's son.
- Q Where is Mumford Robinson? A I don't know.
- Q Is he alive or dead? A I don't know.
- Q When did you see him? A I haven't seen him since '69, or heard of him.



Q You don't know whether the applicants here are the persons you know in Fort Scott or not do you? A I know that Mumford didn't, I know that; I don't know whether these are them or not.

Q You don't know whether the Mumford Robinson they talked about in the testimony is the Mumford Robinson you knew at Fort Scott, do you? A I don't know, No sir.

Q Were you ever married? A Yes sir.

Q Married how? A No sir, I am a widow woman.

Q Who was your husband? A S.S.Davis.

Q Ever married to any one else? A No sir.

Q Did you at one time live with a man named Alonso Manley? A Nosir.

Q You swear you didn't? A I swear I didn't live with him in the world. Lived with Alonso Manley, what are you talking about?

Q I just asked you that question? A Well indeed I guess I didn't.

Q Did you know him? A Yes sir, I knew him.

Q Where did you know him? A I knew him from '63 until '70, along in '70's somewhere.

Q How long has it been since you saw Mumford Robinson? A '69.

Q How long has that been? A I don't know; I haven't counted it up.

Q Well try to count it up? A 32 years or 33.

Q Now can you remember back every person that you saw in '69, 32 years ago? A Well I could remember their names and remember seeing them.

Q Can you remember when you last saw everybody that you saw in '69?

A Yes, I can remember when I last saw them for I last saw them when they was gathering those potatoes; that is the last time I saw those boys.

Q You remember you saw Mumford Robinson dig potatoes in '69? A I saw the two boys and their mother I told you.

Q Did they ever dig potatoes at any other time? A Not that I know of.

Q Why do you remember that was in '69? A These girls father died in '69 and it is there in the Bible.

Q Where is the Bible? A Mrs. Anthony's house; I know they dug potatoes at that time.

Q You didn't bring the Bible with you? A No sir.

Q Maybe that is like the Bible that was not made in '67? A Probably it is, but it is there and can be produced just the same.

Q You didn't bring it with you did you? A No sir.

Q When were you first asked about this matter? A I don't know; sometime in December I guess, or January.

Q Some time last January, is that the first time that you were asked about when you saw Mumford Robinson last? A Yes sir, that is the first time.

Q You never had this matter called to your attention until then?

A No sir.

Q That was nearly 32 years after you had seen him there that you were asked about it? A Yes sir.

Q And then 32 years after that you remembered back about the boys digging potatoes 32 years before? A Yes sir, I remember the family well, because when I first went to Fort Scott there wasn't very many.

Q How much did you get for coming down here? A I haven't got anything yet.

By Mr. Hastings: I object to that; it is insulting to the witness.

Q Who first asked you about this matter? A I don't know, I suppose the judge of the Cherokee Nation.

Q Who is it, what is his name? A Mr. Keyes.

Q Did he tell you he was the Judge of the Cherokee Nation? A No, he didn't tell me so.

Q What makes you call him Judge of the Cherokee Nation? A I have learned it since.

By Mr. Hastings: That is not proper cross-examination of this witness.

A I am going to tell you I knew Judge Keyes before the war; he

was in the army with my brother.

Q He is the man that came to you and asked you about them?

A, Yes sir.

Q 38 years and nobody had ever called your attention to this fact before that time had they? A No sir.

Q Then you remembered back there it was in '69 the boys dug potatoes for you? A They didn't dig for me at all, they dug for Mrs. Anthony.

Q How many cases have you been a witness here in? A -

By Mr. Hastings: I submit this is not proper cross-examination, and I object to it.

By Commission: The objection will be noted; answer the question.

A How many have I? Three besides this I believe.

Q Who were they? A

By Mr. Hastings: I submit that that is not proper cross-examination; I object to it.

By Commission: Objection noted; answer the question.

By Mr. Mellette: I have got the right to ask questions touching the knowledge of this witness in the matter that brings her here.

A I think it was Mrs. Nancy Thompson, Mrs. Gales and the Alonzo Manley case.

Q How old did you say you are? A 57.

Q Were you married in '69? A No sir.

Q How long after that did you marry? A I married in '70.

Q What time in '70? A In March, 1871.

Q What day of March? A 13th of March.

Q Have you ever been married any more since that time? A No sir.

My husband has been dead now three years.

By Mr. Hastings: I desire to introduce a certified copy of this contract. (Hands paper to Mr. Mellette.)

By Mr. Mellette: I object to the introduction, because it does not show where Mumford Robinson lived at the time he made it, and it does not show that it is the Mumford Robinson that was mentioned in the testimony.

By Mr. Hastings: The representatives of the Cherokee Nation desire to call attention to the fact that it does say Mumford Robinson and Annie Robinson of the County of Bourbon, and State of Kansas.

By Commission: There is offered in evidence by the representative of the Cherokee Nation a Warranty Deed made by Mumford Robinson and Annie Robinson, his wife of the County of Bourbon, State of Kansas, on the 7th day of December 1869; same is filed herewith.

Minerva Runyon, being first duly sworn and being examined testified as follows:

By Mr. Hastings:

Q What is your name? A Minerva Runyon.

Q What is your age? A 48, in my 48th year.

Q What is your post-office address? A Port Scott, Kansas.

Q How long have you lived at Port Scott, Kansas? A Well I lived there since 1868.

Q Do you know a coloredman up there by the name of Mumford Robinson?

A I do sir.

Q Do you know his wife? A Yes sir.

Q What was her name? A Her name was Annie.

Q Did you know any of their family? A I do.

Q Name as many of them as you can remember now? A William, James, Alonzo, Fayette, Tobe and Vesley, that was the boys in the family, and there was Elizabeth Jane and Mary and Martha and Melvina, them was the girls.

Q Who did Melvina marry? A I don't know.

Q Did you ever know one of them married Mr. Hill? A Yes sir.

Q What was her name? A Mary Ann.

Q When did you first learn to know this family? A In '62 when I came there they was there.

Q Neighbors from '62 until '69 continuously? A Continuously, they might have been there a little longer than that, but that much any way.

Q How do you fix the date, Mrs. Runyon, that you knew them? A Well I fix the date by father's death.

Q When did your father die? A Father died July 15th, 1869.

Q Do you know they were living there then? A They were living there then; he raised a little crop and these boys helped us children gather our potatoes, as much as I can remember it was Frank and Tobe.

Q How far did the family live from you? A They lived just the next, there was one lot, a fifty foot lot between us.

Q Was that vacant or did it have a house on it? A I think there was a house partly on it; there was quite a space between their lot and our lot.

Q You are a citizen of the State of Kansas? A Yes sir.

Q Don't claim citizenship down here? A No sir.

Q You came down here by a subpoena as a witness? A I did.

Q You knew the family well I suppose? A I knew the family well.

By Mr. Mellette:

Q You are a white woman? A I am a white woman.

Q Did you say your age was 40? A My age is 48, in my 48th year.

Q Have you ever seen any of the Robinson family you are talking about since the time you saw them in Fort Scott? A I saw Mary Ann on the street in Fort Scott, Kansas.

Q They are colored people? A Yes sir.

Q How is it you remember the names of the children 32 years? A Because I played with them. We was children together and I played with them, I remember them distinctly.

Q Have you read the testimony in this case since you came here, has it been read to you? A The testimony?

Q Yes, that they gave, giving the names of the children? A No sir.

Q Have you had the names called to your attention since you came here the names of these children? A I don't think I have.

Q You could remember the names of these children 32 years? A Indeed I could, every one of them.

Q You have remembered them that long? A I have remembered them that long.

Q How old were you when your father died? A I was a girl of about 15 years, 14 or 15 years.

Q And you remember the names of children 32 years you haven't seen since that time? A I do.

By Commission: This testimony will be filed and made a part of the record in the following Cherokee Freedmen cases:

D-677, D-686, D-887, D-889, D-957, D-959, D-942 and D-1018.

I, M.D.Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M.D.Green.

I, the undersigned, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I made the foregoing copy and that the same is a true and complete copy of the original manuscript.

*[Handwritten signature]*

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of  
William H. Hill et al., as Cherokee freedmen, consolidating the  
applications of -

William H. Hill et al - - - -Cherokee Freedmen B 937  
Hayes Hill et al - o - - - - Cherokee Freedmen D 939  
James Hill - - - - - - - -Cherokee Freedmen D 942.

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by William H. Hill for himself, and his brother John Hill; by Hayes Hill for himself and his minor child Ethel Hill; and by James Hill for himself. Proof of the birth of said Ethel Hill was filed with the Commission and is made a part of this record. A copy of the testimony taken at various times in the case of William H. Robinson et al., Cherokee Freedmen D 674 is made a part of the record herein.

The evidence shows that all the applicants herein were born since 1866 and are, except the said Ethel Hill, the children of Mary A. Robinson, now deceased, and one Milton Hill, now deceased, a non-citizen; that the said Ethel Hill is the daughter of said Hayes Hill and his wife Elsie Hill, a non-citizen, and that all the applicants claim right to enrollment as descendants of the said Mary A. Robinson.

The evidence further shows that the said Mary A. Robinson was a free colored person residing in the Cherokee Nation at the commencement of the rebellion; that she went to the state of Kansas during said war, but did not return to the Cherokee Nation within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs the Cherokee Nation et al., for the return of freedmen to said Nation.

The evidence further shows that said Mary A. Robinson together with her father, Pamford Robinson, and family resided continuously in the state of Kansas from the time they left the Cherokee Nation until sometime in the year 1869; that afterwards the said Mary A. Robinson resided in the state of Kansas in which state the said William H., John, Hayes and James Hill were born; that the said Mary A. Robinson died about eighteen or nineteen years ago in said state of Kansas; and that sometime after her death the said William H., John, Hayes and James Hill came to the Cherokee Nation. The said Ethel Hill was born in the Cherokee Nation, and all the applicants herein are now residents of said Nation. The names of none of the applicants herein can be found on the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the application of William H. Hill, John Hill, Hayes Hill, Ethel Hill and James Hill for enrollment as Cherokee freedmen, should be denied under the provisions of section twenty-one of the act of Congress, approved June 25 1896 (30 Stats. 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tans Bixby, Chairman.

T.B. Needles, Commissioner.

G.R. Breckinridge, Commissioner.

W.H. Stanley, Commissioner.

Dated at Muskogee, I.T.  
this 2nd Mar 1904.

80939

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED  
SEP 20 1901



ACTING CHAIRMAN



COMMISSIONERS:

HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, AUG 26 1901, 1901.

Received of the Commission to the Five Civilized  
Tribes one copy of the testimony in the matter of the  
application of James Hill for en-  
rollment as Cherokee Freedmen.

Cher Cherokee Freedmen

1909

Meddick & Smith  
attys for applicant

4.10937

D. ....

INDIAN TERRITORY,  
CHEROKEE NATION.

I hereby certify that I served the with-  
in notice on .....

by delivering a true copy thereof on the  
..... day of ..... A. D. 190...

Given under my hand this .....  
day of ..... A. D. 190...

Marshal for the Cherokee Nation.

I, the undersigned attorney for the  
within named applicant, hereby accept  
service of the within notice on this the

day of **SEP 23 1901**, 190...

*Walter S. Smith*  
Attorney for applicant.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a  
true copy of the within notice to .....

on the ..... day of ..... A. D. 190...

Subscribed and sworn to before me  
this .....

Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**  
**SEP 24 1901**

*[Signature]*  
ACTIVE CHIEF

## NOTICE!

IN THE MATTER OF the application of Hayes Hill  
for enrollment as Cherokee citizens:  
Case No. D 239

To Hayes Hill or Mollatte & Smith his Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita

Indian Territory, on Oct. 22d 1901 ~~at 8 o'clock p.m.~~ or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept. 21st 1901.

L B Bell  
W. H. Hastings  
Attorneys for the Cherokee Nation.

Cherokee F.D. 939

Muskogee, Indian Territory, September 23, 1902.

W. W. Padgett,

Fort Scott, Kansas.

Dear Sir:-

The Commission is in receipt of your letter of September 19, enclosing affidavits in the matter of the application for the enrollment as a Cherokee Freedman of Ethel Hill, infant child of Hayes and Elsie Hill; also marriage license and certificate showing the marriage of the parents of this child.

The marriage license and certificate is herewith returned to you, a copy of same having been made and retained in the Commission's files. The affidavits are also herewith returned to you, and there is enclosed a form of application such as the Commission requires to be made for the enrollment of infant children.

Please have this application made out and the affidavits properly executed and return to the Commission.

Respectfully,

Acting Chairman.

Enc.-P-78.

Copy.

Cherokee F.D-939

Muskogee, Indian Territory, March 16, 1904.

Hayes Hill,

Talala, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, rejecting, among others, your application for the enrollment of yourself and your minor child, Ethel Hill, as Cherokee Freedmen. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

*C. R. Brannon*

Register.

Commissioner in Charge.

Enc. G-22



COPY

Cherokee F.D-937,  
D-939, D-942.

Waskage, Indian Territory, March 16, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, in the consolidated case of William H. Hill, et al., rejecting the applications for the enrollment of William H., John, Hayes, Ethel and James Hill, as Cherokee Freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

*C. R. S. Cambridge*

Commissioner in Charge.

Enc. C-254

COPY.

Cherokee F.D-937,  
D-939 & D-942

Muskogee, Indian Territory, March 16, 1904.

Edgar Smith,

Attorney for William H. Hill, et al.,  
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 8, 1904, in the consolidated case of William H. Hill, et al., rejecting the applications for the enrollment of William H. John, Hayes, Ethel and James Hill, as Cherokee Freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

*C. R. Brantbridge*

Commissioner in Charge.

Register.

Enc. G-24

Copy.

Cherokee Y.D-937,  
D-939 & D-942

Muskogee, Indian Territory, March 16, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of William H. Hill, et al., including the Commission's decision, dated March 3, 1904, rejecting the applications for the enrollment of William H., John, Hayes, Ethel and James Hill, as Cherokee Freedmen.

Respectfully,

*C. R. Brookinridge*

Through the

Commissioner in Charge.

Commissioner of Indian Affairs.

Enc. C-25

Refer in reply to the following:

Lam.  
19279/1904.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,

(C O P Y )

WASHINGTON, June 18, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith the report from the Commission to the Five Civilized Tribes, dated March 16, 1904, transmitting the record relative to the application of William H. Hill, et al, for enrollment as Cherokee freedmen. William H. Hill applied for the enrollment of himself and his brother, John Hill; Hayes Hill applied for the enrollment of himself and his child, Ethel Hill; James Hill applied for the enrollment of himself. Birth affidavit of Ethel Hill appears in the case.

William Hill, John and Hayes Hill, are children of Mary A. Robinson, deceased, and Milton Hill, also deceased. Milton Hill was a non-citizen. Ethel Hill is the daughter of Hayes Hill and Elsie Hill, his wife, a non-citizen. All of the applicants claim right to enrollment by reason of descent from Mary A. Robinson.

The testimony in the matter of the application of William H. Robinson, et al, for enrollment as Cherokee Freedmen, is made a part of the record in this case, and it shows that Mary A. Robinson and her father, Milford Robinson, were free colored persons residing in the Cherokee Nation at the commencement of the Rebellion; that during the war they left the Nation and did not return until 1868.

In view of the record, the approval of the Commission's decision of March 5, 1904, adverse to the applicants, is recommended.

Very respectfully,

A. C. Tonner.

Acting Commissioner.

GAW-H



D.C. 23316-1904  
I.T.D. 5110-1904.  
L.RS

W.C.F.

J.P.

DEPARTMENT OF THE INTERIOR, THE  
WASHINGTON. July 1, 1904.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

March 16, 1904, you transmitted the record in the consolidated case involving the applications of William H. Hill, et al (F.D-937 et al), for enrollment as Cherokee freedmen, including your decision of March 5, 1904, rejecting said applications.

Reporting June 18, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) E. A. Hitchcock.

1 inclosure.

Secretary.

Cherokee Freedmen

D-939.

Muskogee, Indian Territory, August 4, 1904.

Hayes Hill,

Talala, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated March 5, 1904, rejecting, among others, your application for the enrollment of yourself and your minor child, Ethel Hill, as Cherokee freedmen, was affirmed by the Secretary of the Interior on July 1, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen  
D-937 D-938 D-942.

Muskogee, Indian Territory, August 4, 1904.

Edgar Smith,

Attorney for William H. Hill, et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated March 5, 1904, in the consolidated case of William H. Hill, et al., rejecting the applications for the enrollment of William H., John, Hayes, Ethel and James Hill as Cherokee freedmen, was affirmed by the Secretary of the Interior on July 1, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen

D-937 D-939 D-942.

Muskogee, Indian Territory, August 4, 1904.

Hastings, Bell & Davenport,

Attorneys for the Cherokee Nation,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision, dated March 5, 1904, in the consolidated case of William H. Hill, et al., rejecting the applications for the enrollment of William H., John, Hayes, Ethel and James Hill as Cherokee freedmen, was affirmed by the Secretary of the Interior on July 1, 1904.

Respectfully,

Commissioner in Charge.

Cherokee freedman  
R.442

Muskogee, Indian Territory, May 28, 1906.

Hayes Hill,  
Talala, Indian Territory.

Dear Sir:

You are hereby advised that the motion filed  
September 7, 1905, by your attorneys for review in your  
Cherokee freedman enrollment case was dismissed by the  
Department May 2, 1906.

Respectfully,

Commissioner.

mmp



Cherokee freedmen

R 400, et al.

Muskogee, Indian Territory, May 28, 1906

Bell, Hastings & Davenport,

Attorneys for Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the motions filed September 7, 1905, by attorneys for applicants in the Cherokee freedmen enrollment cases of Joseph Brown and others named in the Department's letter of May 2, 1906, a copy of which is enclosed herewith, were denied by the Department in said letter.

Respectfully,

LMB

Commissioner

Cherokee freedmen

N 400 et al.

Muskogee, Indian Territory, May 25, 1906

Blue & Bulger,

Attorneys for Joseph Brown, et al.

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the motions filed September 7, 1905, by you, in the Cherokee Freedmen enrollment cases of Joseph Brown, and others named in the Department's letter of May 2, 1906, a copy of which is enclosed herewith, were dismissed by the Department in said letter.

Respectfully,

LMB

Commissioner

Encl. B-93

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED  
SEP 23 1902

Notary Public.

  
ACTING CHAIRMAN

Sworn to and subscribed before me this 22nd day of September, 1902.

Chief Clerk Cherokee Division.

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes, and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said Division.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskegee, I. T. Sept. 22, 1902.

..... as ..... citizen ..... of the Cherokee Nation.

I, the undersigned, a Stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of application for enrollment of .....

(7)  
**MARRIAGE LICENSE.**

Cherokee T. D. 939

United States of America, }  
INDIAN TERRITORY, } SS.  
Northern District.

No. 463

**To any Person Authorized by Law to Solemnize Marriage—Greeting:**

You are hereby commanded to Solemnize the Rite and publish the Bans of Matrimony between Mr. Hayes Hill, of Talala, in the Indian Territory, aged 22 years, and Miss Elsie Haynes, of Talala, in the Indian Territory, aged 18 years, according to law, and do you officially sign and return this license to the parties therein named.

WITNESS my hand and official seal at Muskogee, Indian Territory, this 18<sup>th</sup> day of November A. D. 1901

Chas. A. Davidson

Clerk of the U. S. Court.

By P. M. Ford Deputy.  
SEAL.

**CERTIFICATE OF MARRIAGE.**

United States of America, }  
INDIAN TERRITORY, } SS.  
Northern District.

I, H. W. Jones, a Minister of the Gospel, DO HEREBY CERTIFY, that on the 19 day of November, A. D. 1901, I did duly and according to law as commanded in the foregoing License, solemnize the Rite and publish the Bans of Matrimony between the parties therein named.

WITNESS my hand this 19th day of Nov. A. D. 1901

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Northern District, Book A, Page 263

H. W. Jones

A Minister of the Gospel.

CERTIFICATE OF RECORD.

United States of America, }  
INDIAN TERRITORY, } SS.  
Northern District.

I, Charles A. Davidson, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the 3 day of December 1901, at        M., and duly recorded in Book I, Marriage Record, Page 400.

WITNESS my hand and seal of said Court at Muskogee, in said Territory, this 4 day of December, A. D. 1901.

Charles A. Davidson Clerk.

By        Deputy.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, I. T.

I, the undersigned, a Stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of application for enrollment of        as        citizen        of the Cherokee Nation.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T. Sept. 22, 1902.

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes, and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said Division.

Chief Clerk Cherokee Division.

Sworn to and subscribed before me this 22nd day of September, 1902.

B. Jones  
Notary Public.

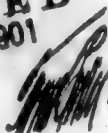
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COMMISSION TO THE FIVE CIVILIZED TRIBES  
DEPARTMENT OF THE INTERIOR



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DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
**FILED**  
JUN 28 1901



ACTING CHAIRMAN

## MEMORANDUM OF APPLICATION.

## CHEROKEE FREEDMEN

Date *June 28<sup>th</sup> 1901*Post Office *Halala, S.C.*District *8000*1. Name *Hayes Hill* Age *87*

Owner's name \_\_\_\_\_ Citizenship \_\_\_\_\_

Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ District \_\_\_\_\_

Parents: \_\_\_\_\_

Father *Milton Hill* Citizenship *Colored*Mother *Mary a Robinson (dead)* Citizenship *v*

2. Name of wife \_\_\_\_\_ Age \_\_\_\_\_

Owner's name \_\_\_\_\_ Citizenship \_\_\_\_\_

Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ District \_\_\_\_\_

Parents: \_\_\_\_\_

Father *Doubtful* Citizenship *Doubtful*

Mother \_\_\_\_\_ Citizenship \_\_\_\_\_

## Names of Children:

|     | Year | Page | No. | Dist. |
|-----|------|------|-----|-------|
| 3.  |      |      |     |       |
| 4.  |      |      |     |       |
| 5.  |      |      |     |       |
| 6.  |      |      |     |       |
| 7.  |      |      |     |       |
| 8.  |      |      |     |       |
| 9.  |      |      |     |       |
| 10. |      |      |     |       |
| 11. |      |      |     |       |
| 12. |      |      |     |       |

Application made by *No 1* Stenographer *D. To. Jones*

~~*ref to D b F. H. - 10939*~~

*Represented by Mellette & Smith, Santa, S.C.*

FD 939

Commission to the Five Civilized Tribes

FILED

MAR 24 1902

  
S. H. H. CHAIRMAN

# **NOTICE.**

## **Cherokee - Freedmen - Enrollment.**

The Commission to the Five Civilized Tribes will continue in session at

**MUSKOGEE, IND. TER.,**

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Hayes Hill,

Talala, I. T.

Cherokee F-D-939

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Cher. Fr. R. 443

See Cher. Fr. D. 644

Cher. Fr. R. 443



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
CHULSEA, I.T., JUNE 10th, 1901.

In the matter of the application of Esther Holt for enrollment as a Cherokee Freedman; said Holt being sworn and examined by Commissioner T. P. Needles, testified as follows:

- Q What is your name? A Esther Holt.  
Q What is your age? A About 35; they brought me from Tennessee with them.  
Q Your post office is Vinita? A Yes, sir.  
Q Were you a slave during the war, before the war? A Yes, sir.  
Q To whom did you belong? A William Holt and Nellie Holt.  
Q Where were you born, Esther? A Back in Tennessee.  
Q Well, when did you come to the Cherokee Nation? A I come to the Cherokee Nation at the time they treated with Georgia.  
Q At the time the Indians came from Georgia and Tennessee?  
A Yes, sir.  
Q You come along with your Master and Mistress? A Yes, sir.  
Q Well did you live with them as a slave until the war come up between the North and South? A Yes, sir.  
Q Then where did you go? A I went to Fort Scott.  
Q Fort Scott, Kansas? A Yes, sir.  
Q When did you return, come back? A '66; I mean that is what they say.  
Q You come with your son, Joshua? A My brother went and brought us down.  
Q Did your son Joshua come with you? A Yes, sir.  
Q Is your name on the roll of 1880, do you know, Esther? A I do n't know.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and applicant's name ~~was~~ not found thereon/  
The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and applicant's name found thereon, page 122, #3040, Esther, Holt, Cooweescoowee District.

- Q Were you ever married to anybody except Holt? A No, sir; in them days before the war people wasn't married like they do now; we took up together and my man died in the war.  
Q Never had any man since? A No, sir.

COM'R NEEDLES: Esther Holt applied for the enrollment of herself: She is duly identified upon the Kern-Clifton roll but cannot be identified upon the authenticated roll of 1880. As to proof of her citizenship and residence reference is made to the testimony taken in the case of her son, Joshua Holt, who has this day been listed for enrollment as a Cherokee Freedman upon Doubtful card #644, and the testimony taken in said case will be made a part of the record in the case at bar and a copy of the same will be filed herewith. She will be listed for enrollment as a Cherokee Freedman upon a doubtful card. The final decision of the Commission will be made known to her by mail.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this June 11th, 1901.

Commissioner.

CO.

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FILED

COMMISSION TO THE FIVE CIVILIZED TRIBES  
DEPARTMENT OF THE INTERIOR

ACTING CHAIRMAN

M. D. Rosser, being duly sworn, says that he is the  
Commissioner of the Five Civilized Tribes, he is the  
and that he has received and complete copy of the  
and proceeds in the above said

Subscribed and sworn to before me this September

*[Handwritten signature]*

Notary Public

*[Handwritten note: 7/10/01]*

To be filed with case of Esther Holt, C.F. D#645.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,  
OKLAHOMA, I.T., JUNE 20, 1901.

In the matter of the Application of Joshua Holt for the enrollment of himself, wife and six children as Cherokee Freedmen; being sworn and examined by Commissioner Needles, he testified as follows:

APPEARANCES:

Mr. Smith, of Mellette & Smith, for applicant;  
Mr. W. W. Hastings, for the Cherokee Nation.

- Q What is your name? A Joshua Holt.  
Q How old are you? A 52.  
Q What is your post office address? A Vinita.  
Q What district do you live in? A Cooweescoowee.  
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.  
Q Does your name appear upon any of the rolls of the Cherokee Nation? A Wallace and Clifton.  
Q Not on the roll of 1880 then? A No, sir.  
Q Who do you want to enroll besides yourself? A My mother first.  
Q Well the second? A My wife, and children and self.  
Q Where is your mother? A She is out there.  
Q She can appear for herself? A She is so old she don't have any recollection, I think she is pretty near a hundred years old, and not able to give in hardly.  
Com'r: You can let your mother come and apply, and you can be a witness for her.  
Q Your wife and children, you say? A Yes, sir.  
Q What is your wife's name? A Jane Holt.  
Q How old is she? A 32.  
Q What are the names of your children? A Laura Holt.  
Q How old? A 19.  
Q Next one? A Ella Holt, 13.  
Q Next one? A Jessie Holt, 10; Willard Holt, 9; Clifford Holt, 6; Maucelia, three months old.  
Q That's six children? A Yes, sir.  
Q Are these children all living at this time? A Yes, sir.  
Q Living with you? A Yes, sir.  
Q What was your wife's father's name? A Anderson Johnson.  
Q Was he a Cherokee freedman? A Yes, sir.  
Q When did he die? A About 20 years.  
Q What is her mother's name? A Dinah.  
Q Is she living? A No, sir.  
Q Was she a Cherokee Freedman? A Yes, sir.  
Q Is your wife's father's name on the roll of 1880? A No, sir.  
Q You say your name is on the Kern-Clifton roll? A Yes, sir.  
Q Is it on the Wallace roll? A Yes, sir.

Kern-Clifton roll of citizens of the Cherokee Nation examined and applicants identified thereon as follows:  
Page 147, #3639, Josh Holt, Cooweescoowee district;  
page 147, #3640, Laura Holt, Cooweescoowee district;  
page 144, #3595, Jane Holt, Cooweescoowee district;  
page 147, #3641, Ella Holt, Cooweescoowee district;  
page 147, #3642, Jessie Holt, Cooweescoowee district;  
page 147, #3643, William Holt, Cooweescoowee district.

- Q You didn't draw for Clifford did you? A No, sir.

Wallace roll of citizens of the Cherokee Nation examined and applicants identified thereon as follows:  
 page 117, #2476, Josh Holt, "District, Fort Scott, Kansas."  
 page 117, #2477, Jane Holt, "Fort Scott, Kansas."  
 page 117, #2478, Laura Holt, "Fort Scott, Kansas."

ESTHER HOLT, being sworn and examined by Com'r. Needles, testified as follows:

- Q What is your name? A Esther Holt.  
 Q How old are you? A Along about 85.  
 Q What is your post office? A Vinita.  
 Q What district do you live in? A Coconescoowee.

APPLICANT recalled, and further examined: By Mr. Smith:

- Q How old are you? A 52.  
 Q Where do you live? A Vinita, Indian Territory.  
 Q Were you born a slave? A Yes, sir.  
 Q Who was your owner? A Bill and Nellie Holt.  
 Q Were they citizens of the Cherokee Nation, Indian Territory?  
 A Yes, sir.  
 Q Where were you when the Civil War commenced? A I was at Webbers Falls, Cherokee Nation.  
 Q Did you go out of the Cherokee Nation during the war? A Yes, sir.  
 Q Where did you go? A Fort Scott, Kansas.  
 Q When did you return to the Cherokee Nation first after the war?  
 A '66, in August.  
 Q Who was with you? A Andy Daugherty, my mother and two brothers.  
 Q What was your brothers name? A Tecumseh Holt and James Holt.  
 Q Where is James Holt? A I have not saw James Holt for twenty years.  
 Q You don't know where he is? A No, sir.  
 Q Where is Tecumseh Holt? A He is here somewhere.  
 Q Where does he live? A Vinita.  
 Q What is your mother's name? A Esther Holt.  
 Q What was your father's name? A Jonas Pack.  
 Q Where did he die? A He died when the emigrants left this Nation going to California about 1849.  
 Q You spoke of your mother and yourself and brother Tecumseh and another brother named James, coming here to the Cherokee Nation after the war in '66, where did you come to? A Came to Big Creek.  
 Q Near what point as the country is developed now? A I don't understand you.  
 Q I mean to say at what point on Big Creek did you come?  
 A Near about in the settlement you have reference to?  
 Q Yes? A Up there about where Reuben Johnson lives and Mike Whitmire.  
 Q Near what place is that now? A It was on George Duffin.  
 Q I mean as to what post office is it now? A Near Edna, Kansas.  
 Q How far is it from where Hayden is now? A I don't know, Hudson may be closer I think, Hudson post office is nearer than Edna Kansas.  
 Q You think it is nearer what is now Hudson? A Yes, sir.  
 Q How long did you live there at that place you have mentioned?  
 A I lived there off and on and go there and work and come back again.  
 Q Well, you were then about how old? A I can't tell exactly how old I was about that time.  
 Q Were you married? A I was unmarried at that time.  
 Q When did you marry? A I married in 1899.  
 Q Were you ever married before that? A No, sir.  
 Q Were you a single man from '66 up to '99? A Yes, sir.  
 Q Do you mean '99, three years ago? A 1899.  
 Q Then you were mistaken when you said 1899? A Yes, sir, I was mistaken.

Q Where are these children, Laura Holt, Ella Holt, Jesse Holt, Willard, Clifford and Neucelia? A They are living in Vinita.

Q How long have they been living there? A They have been living in Vinita I guess for 12 or 13 years.

Q They are living with you? A Yes, sir.

Q You stated that you worked around from place to place, where was your mother after you come back to the Cherokee Nation? A She was there sometimes and she worked off sometimes and worked and come back again.

Q Where does your mother live now? A Vinita.

Q How long has she been living at Vinita? A I guess 13 or 14 years.

Q Was your mother a slave? A Yes, sir.

Q Who did she belong to? A Bill and Nellis Holt.

Q The same persons you have mentioned in your own testimony?

A Yes, sir.

Q Where was your mother when the Civil War commenced?

A Webbers Falls, Cherokee Nation.

Q Did she or did she not go out at the same time you did?

A She went out at the same time I did.

EXAMINED BY COM'R NEEDLES:

Q Do you live in Vinita? A Yes, sir.

Q Why didn't you appear before the Commission at Vinita when we were there? A My mother was sick and she wasn't able to get there; that's just the reason, I didn't appear at that commission.

BY MR. HASTINGS:

Q Your present wife is the only wife you have ever had? A Yes, sir.

Q You testified that you married her in 1889? A 1889.

Q Your oldest child is 19 years of age, you have given, Laura?

A Yes, sir, she is my stepchild, my wife's child, Laura and Ella both.

Q Didn't you apply for your daughter Laura and Ella to be put on the Kern-Clifton roll? A I applied for them, yes, sir.

Q Did you then say anything about their being your step-children?

A I think I did, I am not certain.

Q What was your wife's maiden name? A Jane Johnson.

Q Where was she born? A Big Creek, Indian Territory, Cooweescoowee district.

Q How old is she? A I think she is now about 32 years old, 30 or 32.

Q Who was her father? A Anderson Johnson.

Q Who was her mother? A Dinah Johnson.

Q Where did you marry her? A Cooweescoowee district, Big Creek.

Q Who married you? A Peter Meigs.

Q Does she claim to be a Cherokee freedman? A Yes, sir.

Q Freed woman? A Yes, sir.

Q Did she apply before to the Kern-Clifton Commission? A Yes, sir.

Q By what name? A In 1896?

Q Yes, sir? A Jane Holt.

Q Where did you move to Vinita from? A I were living at Big creek and I went up to Ft. Scott I think that was in 1889, and went from there to Vinita just before the Wallace court.

Q But you came from Ft. Scott down to Vinita? A Yes, sir.

Q Did you bring your wife with you? A Yes, sir, we was up there working, I hadn't moved up there.

Q But your wife was with you? A Yes, sir.

Q What was you doing up there? A I was cooking up there.

Q Who for? A Man named W. H. Robinson.

Q He was living there was he? A Yes, sir.

Q Colored man? A No, sir, he was a white man.

Q How long had you been in Ft. Scott when you came to Vinita?

A 1889 I believe it was '88 or '9.



Q I say how long had you been up there when you come down to Vinita? A I don't know just how long.

Q Well, about how long? A I can't tell you. I come back before the Wallace taken the census.

Q You don't know how long you had been up there? A Not exactly.

Q About how many years? A I tell you I don't know.

Q You can make some sort of an estimate? A Well, about, up there a year, not quite a year.

Q Were you up there more than a year? A I don't think I was.

Q Hadn't you been up there ever since 1865? A Up in Ft. Scott.

Q Yes? A Why certainly not.

Q Then you say positively that you were there more than two years?

A Yes, sir, I do, at a time.

Q There was your oldest child, Jesse, born? A Jesse was born in Vinita.

Q Have you been living in Vinita since 1889? A Yes, sir.

Q All the time? A Except when I was out working.

Q Where were you out working? A I were out at Lawrence, working and I was at Paola and I was at Fair City, Kansas, working.

Q Where else were you working? A I worked there at Chetopa.

Q Working in Ft. Scott? A Since '89?

Q Yes? A I don't think I have.

Q How much of this time since 1889? have you actually resided in Vinita up there personally present? A I have been there pretty regular ever since 1892.

Q How many years? A Well all the way along.

Q Have you been there now for the past nine years all the time, continuously? A Yes, sir, except when I was working out all tell you

Q I want to know how much time you have been working out?

A I could not tell you that, because I don't know, but altogether wouldn't make a year.

Q Where was your wife at that time, in Vinita all this time?

A She was in Vinita.

Q She never went out with you when you worked out? A Not since 1889 she hasn't.

Q Where was this next child Willard born? A In Vinita.

Q Where was the next, Clifford? A In Vinita.

Q Where was Hauselia born? A Vinita.

Q All four of these children were born in Vinita were they?

A Yes, sir.

Q Who did you come down to the Cherokee Nation with after the war?

A Andy Daugherty.

Q Didn't Andy Daugherty have a place down there when you came?

A Yes, sir.

Q He had a house up? A Yes, sir.

Q He had a patch of corn in? A Had a little corn in.

Q When you came? A Yes, sir.

Q Who else had a house down there when you came? A I think Uncle Mike Whitmore had a house and Reuben Johnson had a house and Anderson Johnson had a house and Harrison Johnson had a house.

Q George Luffin? A I think so, I am not certain.

Q Was Uncle Peter Ward living down there then? A I don't know.

Q Was Reuben and Tom Sanders? A Yes, sir.

Q Did they have small crops of corn too? A I wasn't on their place, would see them passing back and forth, I guess they lived there.

Q Didn't all these people that you have mentioned have corn?

A I don't know; Uncle Andy Daugherty did, and I believe Whitmore did.

Q What time did you come there? A In August.

Q How long did you remain when you came in August? A I must have stayed there about six or eight months before I went away.

Q Where did you go to? A I think I went to Lawrence I believe.

- Q Where was your mother at that time? A When I left I left her on Big Creek, at Andy Daugherty's.
- Q She came down with you did she? A When she first came from Kansas? Yes.
- Q How long did she stay down there? A I don't know how long she stayed altogether.
- Q How long did she stay before she went back? A She probably stayed a year.
- Q Then she went down to Ft. Scott? A Yes, sir, and worked a year and came back again.
- Q Did she keep house up at Ft. Scott? A She was working around there, she used to keep house.
- Q You lived with her up there, and your brothers? A Yes, we kept house up there in '64 and 5.
- Q You didn't live in a Government building up there? A I didn't.
- Q Did your mother? A Not as I know of.
- Q You didn't live with her up there? A I was with her up there, in '64 and 5.
- Q After that time were you with her? A I was with her at the Daugherty's when she was the re.
- Q Were you with your mother in '65 in Kansas? A I would see her up there when I was working up there and she was working up there.
- Q Did you see her in Ft. Scott, Kansas? A Yes, sir.
- Q What year was that? A I can't tell you.
- Q Did you see her in '66? A We came down here in '66.
- Q Did you see her in Ft. Scott, Kansas, in '67? A I think she remained here all that time.
- Q Did you see her in Ft. Scott, Kansas, in the year '67?
- A No, sir.
- Q Did you see her in '68 in Ft. Scott, Kansas? A Yes, sir/ She was there working in '68.
- Q And you were there? A I think I came through Lawrence and I see her first one place and another.
- Q And where was your brother, Teomach? A I think he was living up there.
- Q You never made a home in Kansas? A No, sir.
- Q Never had one? A Yes, sir, I built one about two years ago.
- Q You never had one on Big Creek? A No, sir, I come there with my uncle and never made a home until 2 years ago, I built a home two years ago.
- Q You never had a separate house there on Big Creek? A No, sir.
- Q I want to know where you lived from '66 to '89? A Sometimes I lived on Big Creek. In 1886 I lived on Andy Daugherty's, and went to Vinita.
- Q Where was your mother then? A She was at Daugherty's.
- Q How much of this time has she lived at Daugherty's? A I don't know.
- Q You know Jim Foreman? A I do.
- Q Did you ever know him in Ft. Scott? A I did.
- Q Did you know him there in '68? A I knew him there in '64 and 5.
- Q Do you know Simon McKinsey? A I did.
- Q Did you know him in Ft. Scott, Kansas? A Yes, sir.
- Q When did you know him? A '64 and 5.
- Q Did you know him about '66? A I saw him after '66.
- Q Did you see him about '66? A I saw William Foreman, I don't think I saw Simon.
- Q When was the last time you saw William Foreman in Ft. Scott, Kansas? A I don't remember.
- Q Did you see him during the year of '66, '67, '68 or '69?
- A I didn't see him in '66, and I never saw him in '67 or 9.
- Q Did you see him in '68? A No, sir.

- Q Were you in Ft. Scott during either of these four years?  
A I think I were there in '66.  
Q Where was that? A I think I worked there in '66 a little while.  
Q Was your mother there then? A I believe she was.  
Q Your brother Tecumseh? A I don't think he was.  
Q Where was your brother Tecumseh? A I think he was on Big Creek, with Uncle Andy.  
Q Was your brother married? A Yes, sir.  
Q Where did he marry? A In Oswego, Kansas.  
Q State raised woman? A Yes, sir.  
Q When? A Married in 1875.  
Q What did you do down here in '66? A I didn't do nothing in '66, there was nothing down here to do.  
Q Nothing in '67? A I went out and worked; I never worked in here in these days.  
Q You never made a crop in the Cherokee Nation? A No, sir.  
Q Your mother there never kept house here separate? A No, sir.  
By Com'r Needles: Is Jane your first wife? A Yes, sir.  
Q Had she been married before she married you? A I don't know, if she was I didn't know it; she had these children.  
Q What are the children's names? A Laura and Ella Beason.  
Q Where were they born? A Big Creek.  
Q Big Creek in the Cherokee Nation? A Yes, sir.  
Q Is that where you married her? A Yes, sir.  
Q You mentioned about working in Kansas backwards and forwards, did you have your family with you while working in Kansas? A My family was with me up there in Ft. Scott, yes, sir.  
Q What worked in Ft. Scott and your family was with you? A Yes, sir.  
Q How long was that? A I can't tell you exactly, we went there in '89 I think it was, and we went back before the Wallace court.  
Q Did you ever have your family working out with you after that?  
A No, sir.  
Q Since the Wallace roll then has your family always lived at Vinita? A Yes, sir. Except when my wife was out visiting; she went to Linn County, Kansas, once to see her grandmother, and took her children, and she went to Chetopa to see her people.  
Q How long did she remain at those places? A I think she remained in Mound City, Kansas, ten days, and I don't know how long she stayed at Chetopa.  
Q Before she went there was she keeping house at Vinita? A Yes, sir.  
Q When she went up with these children did she abandon the house?  
A I was at the house.  
Q Did she take household furniture with her? A Didn't take anything but a few clothes in a valise.  
Q Did she come back to the same house? A Yes, sir.  
Q And were you there? A I was there.  
Q Jane your wife is a daughter of Dinah Johnson? A Yes, sir.  
Q Is Dinah living? A No, sir, she is dead.  
Q Andrew living? A He is dead.  
By Mr. Smith: You say it was in 1889 that you went to Ft. Scott, Kansas after you were married? A Yes, sir.  
Q And that you came back before the Wallace court? A Yes, sir.  
Q Now up to 1889 you were unmarried, had you ever married before 1889? A No, sir.  
Q What had been your home up to the time you were married?

Mr. Hastings: I want to enter an objection to that; you ask him where he has lived; the home is a legal proposition; let the facts be developed and let the Commission and others decide about that question.

Mr. Smith: That is immaterial.

Q Where did you stay, where did you live up to the time you were married? A I lived on Big Creek.

Q At whose house? A At Andy Daugherty's.

Q Was he related to you? A My uncle.

Q What is your occupation, you spoke of working? A I am a cook, and I am a painter.

Q Now after you were married and after 1939 you were asked when you first built a home, do you mean by that that you now own your own home, or what do you mean? A Yes, sir, I own my own home now.

Q Had you any home place to keep house to live in before you built that two years ago? A I was renting a house to live in.

Q Where? A Vinita.

Q What kind of work did you mother do? A She was washing out and sometimes cooking.

Q Did you have sisters? A Yes, sir.

Q What were your sister's names? A Sallie and Bettie.

Q What is Bettie's name now? A Bettie Hicks.

Q Who was she married to? A Dennis Hicks.

Q Up to the time she married Dennis Hicks what was her chief occupation? A She worked around hotels and such work as that.

Hired out.

Q Do you know of your own personal knowledge when she came back to the Cherokee Nation, or not? A No, sir, I don't.

Q Do you know of your own personal knowledge when Sarah came back?

A No, sir.

Q You know whether they were slaves before the war? A Yes, sir.

Q Who did they belong to? A Bill and Kellie Holt, same man I did.

By Com'r Needles: You say you were living on Big Creek?

A Yes, sir.

Q No town there? A No, sir.

Q Were you a farmer? A No, sir.

Q What occupation was you following on Big Creek? A My uncle was a farmer and I was living with him, and I worked out there, working and come back there for my home.

Q How long did you live there? A I pulled out from there in '35.

Q You made that your headquarters then? A Yes, sir.

Q Your uncle was a farmer? A Yes, sir.

Q You didn't pretend to farm yourself? A No, sir.

By Mr. Hastings: How many brothers did you have? A Had four, three besides myself.

Q And your mother? A Yes, sir.

Q And you all made your Uncle Andy Daugherty's place your headquarters? A Not all of us, I had one brother that never came there at all.

Q Your two brothers and your mother and yourself? A Yes, sir.

Q You never lived in separate houses? A No, sir.

Q Where was your sister Bettie married? A She was married in Vinita.

Q When? A I don't know how many years ago it has been since she got married.

Q Since you came there? A Since I have been in Vinita, yes sir.

Q Hadn't she ever been married before? A No, sir, not to my knowing.

Q Where did she come from when she came to Vinita? A I don't know, she wasn't with us; she had been working down about Gibson, and places around there.

Q Your sister older than you? A Yes, sir.

Q Where is she living? A In Vinita.

Q How long has she been living there? A I don't know.

Q Since or before you moved there? A She has moved there since I moved there.



Q Where did she come from? A She had been working down about Ft. Gibson I believe, or Tahlequah, I don't know whether she come from there or where.

Q When was the last time you saw her in Ft. Scott? A I don't know.

Q Since the war? A I think I have, but I am not certain.

Q Not positive? A No, sir.

Q She didn't live with you there in '67, '8 and '9? A No, sir, she never did live with me.

Q You know where she married? A No, sir.

Q Did she marry a state raised man? A I don't know whether the man was a state raised man or not, I couldn't tell anything about that.

By Con'r Needles: Now as to your wife, you say her father's name was Anderson Johnson? A Yes, sir.

Q And her mother's name was Dinah? A Yes, sir.

Q Were they slaves? A Yes, sir, both of them.

Q Who did they belong to? A Anderson Johnson belonged to a Cherokee named Ben Johnson, and my wife's mother belonged to a man named Chandler, in Arkansas.

Q In Arkansas? A Yes, sir.

Q Slave of an Arkansas man? A Yes, sir.

Q Her father was owned by a Cherokee? A Yes, sir.

Q And his wife was owned by a citizen of the State of Arkansas? A Yes, sir.

Q Did your wife's father and mother go outside of the Cherokee Nation during the war? A Yes, sir.

Q When did they return? A They moved to Big creek in '66.

Q How do you know? A I was there, I lived close to them.

Q Was Jane born after that or before that? A She was born after they moved there.

Q I forget whether you stated your wife's father and mother were both living or not? A They are both dead.

Q Your wife Jane been living in the Cherokee Nation ever since '66? A Yes, sir, except when she was just out visiting.

Q Except when she was out with you? A Yes, sir.

Q You don't know whether she was married before you married her or not? A No, sir.

Q You know she had those two children? A Yes, sir.

Q Are these children living with you now? A Yes, sir.

By Attorney Smith: You know who was the reputed father of these two children? A Man said to be named Oscar Beason.

Q Is he living or dead? A Last I heard of him he was living.

Q By Con'r Needles: Colored man? A Yes, sir.

Q By Mr. Smith: Where is your wife? A I don't know whether she is in the crowd or not, she is here in camp somewhere.

Q Have you a certificate of your marriage to her? A No, sir, I just married by a preacher.

Q Who married you? A Peter Meigs.

Q Is he living or dead? A He is dead.

Q Is there anyone around the camps who saw you married? A The family was there; her two sisters were there, and I was to have them here, but they went to Fort Gibson.

Q There is no one here that saw you married? A No, sir.

By Mr. Hastings: How long had you known your wife before you married her? A I knew her from a child.

Q You know whether she lived with this man as husband and wife by whom she had the two children? A I know she lived with him, I don't know whether they were married or not.

Q How long did she live with him? A She may have lived with him four or five years.

Q Did she live with him from the time she gave birth to the first one until she gave birth to the last one? A Yes, sir.

Q Lived in a house together with him? A Yes, sir.



Q You don't know whether they were married or not? A No, sir, I don't.  
 Q You lived at Webbers Falls when the war come up? A Yes, sir.  
 Q You went out north? A Yes, sir.  
 Q Who did you go with? A Went out with the soldiers, soldiers come there at night and taken us out.  
 Q Were you living with Will and Nellie Holt at Webbers Falls?  
 A Yes, sir.  
 Q Did they have children? A Yes, sir.  
 Q What were their names? A Tommy Whitacre, Johnson Whitacre's wife.  
 Q How far did you live from Webbers Falls? A I lived about a mile and a half on the other side of Webbers Falls.

APPLICANT'S MOTHER re-called, and further examined,

By Mr. Hastings: Aunty, where do you live now? A Vinita.  
 Q Who do you live with over there? A I live with my son.  
 Q What is his name? A Tecumseh Holt.  
 Q Tecumseh got a wife? A Yes, sir, he has got a wife.  
 Q What is her name aunty? A Named Sarah Holt.  
 Q Got some children? A Got one.  
 Q How old is it? A I don't know.  
 Q About how old is it a child grown? A Yes, sir, it is grown.  
 Q Is the child married? A No.  
 Q Boy or girl? A She is a girl.  
 Q Where did Tecumseh marry? A I don't know, I am forgetful, my head is not right.  
 Q You were present when he married? A No, sir, I think he married in Oswego.  
 Q You wasn't there? A No, sir.  
 Q Now aunty, you came from Ft. Scott down to Vinita didn't you?  
 A Yes, sir, when I did come down there.  
 Q Now aunty, when did you come down there, how many years ago?  
 A My brother went up there and brought me down and three boys; went to get provisions, everything was very scarce down here at that time, and he brought me and the children down here; he said they were going to make a treaty and he brought us down.  
 Q And you come did you? A Yes, sir, I come in his wagon.  
 Q Did he have a house here at that time? A Yes, sir.  
 Q He had a little field? A Yes sir, small field.  
 Q What was your brother's name? A Andy Daugherty.  
 Q There was other people living around in the neighborhood were there? A Yes, sir.  
 Q About what time of the year was it, April, May, June, July, August, September, spring, what is, summer or what? A It has been so long I don't remember.  
 Q Warm weather or cold? A I don't know whether it was warm or cold.  
 Q How long had your brother been living down here when you came?  
 A I don't know, he was living down here and had his house built when he brought me down.  
 Q Been living here a year or two? A Maybe longer and maybe not so long, I don't know.  
 Q How long did you stay down here with your brother at that time?  
 A When he brought me down?  
 A Yes? A I stayed a year or two, I don't know.  
 Q Then you went back to Ft. Scott, did you? A Yes, sir, I went back to Ft. Scott.  
 Q What were you doing up at Ft. Scott? A Working around, trying to make an honest living.  
 Q You lived in a Government building didn't you aunty? A Yes, I rented up there, lived in washing.  
 Q Before the war? A After the war.

Q Did you know James Foreman? A No, sir.  
Q How long was it until you come down to visit your brother again?  
Did you ever see him any more? A After I went up there?  
A Yes? A Yes, sir.  
Q How long was it until you saw him again? A Five or six months,  
maybe seven or eight, I don't know.  
Q You never had any home down here? A No, I made my home with  
him.  
Q Whenever you came? A Yes, sir.  
Q Where were your boys when you went back up to Ft. Scott, were  
they up there with you? A Josh was cooking somewhere.  
Q Was he cooking up there? (No reply.)  
Q Did Josh ever have a wife before he got this woman, live with  
another woman as his wife? A Not that I know of.  
Q Never had no children by any other woman? A Not as I know of.  
Q You were living up there in Ft. Scott when the Wallace payment  
was made wasn't you Andy? A No, sir.  
Q Where were you? A I don't remember.  
Q How long did you live up there at Ft. Scott after the war?  
A I can't tell you.  
Q You spent pretty near all your days haven't you ainty up to the  
Wallace court? A No, sir.  
Q Did you work any down here befor the Wallace Court? A No, sir,  
I haven't worked before the Wallace court, I have never been able  
broke up with the rheumatism.  
Q About all the work you done was in Kansas? A I couldn't get no  
work here to do.  
Q I say about all the work you done was in Kansas? A No, not  
all that I done.  
Q Who did you work for down here before the Wallace Court?  
A Oh I went around waiting on women, and come home and set down  
and laid down; when I was called I would go.  
By Mr. Scott: How old are you, Aunt Esther? A About 85,  
that's the age they give me; I don't know my age; I was 16 years  
old the time the stars fell and the Commissioners have been trying  
to get my age from that, I don't know.  
Com'r Needles: That was '38 when the stars fell; I was there my-  
self and saw them fall.  
Q What was it you said about having rheumatism? A I said I have  
rheumatism so I can't do very much.  
Q You live with one of your sons? A I live with Tecumseh.  
Q Were you a slave before the war? A Yes, sir.  
Q Who did you belong to? A William Holtz and Nellie Holtz.  
Q Were they Cherokee Indians? A Yes, sir.  
Q Where did they live? A Wabharo falls.  
A How many children had you at the time the war commenced, besides  
Joshua? A Sallie and Betty and Mollie and Joshua.  
Q And who do you live with now? A I live with Tecumseh.  
Q Was Tecumseh born before the war or after? A Before the war.  
Q Is Bettie married now? A Yes, sir.  
Q Who is she married to? A Dennis Hicks.  
Q Where is she living? A In Vinita.  
Q What is Sallie named? A Sallie Miller, she married a man  
named Miller.  
Q And lives at Vinita? A Yes, sir.  
Q Were these children those names you have born slaves? A Yes, sir.  
Q Who did they belong to? A William Holtz.  
Q Same person you belonged to? A Yes, sir.  
Q What was it you said about your brother coming after you up in  
Kansas, and about a treaty? A He went up there to buy provisions  
everything in this nation the scarce at that time; he said he thought

they would go up and get provisions and fetch me and the children down, said they was going to make a treaty, and he wanted us to be here, and brought us down.

Q Who did he bring of your family? A Joshua, Tecumseh and Jimmie.

Q And you? A Yes, sir, brought four.

BY MR. HASTINGS: Bring your daughter Sallie? A No, sir, she was down here long before I was.

Q She lives in Vinita doesn't she? A She lives in Vinita now, she did not live in Vinita at that time; she was in Ft. Gibson and about Big Creek somewhere.

APPLICANT, JOSHUA HOLT, re-called, and examined by Com'r Needles:

Q Esther Holt your mother? A Yes, sir.

Q She is the witness that's on the stand here now? A Yes, sir.

Q Was she a slave? A Yes, sir.

Q Who did she belong to? A Bill and Nellie Holt.

Q They Cherokee citizens? A Yes, sir.

Q She went to Kansas didn't she? A Yes, sir.

Q When did she return? A '66.

Q Returned with you? A Yes, sir, and my uncle and two brothers.

Q Where has she been living ever since that? A She lived on Big creek a while, and she has been living in Vinita.

Q She never got back to Kansas afterwards? A Yes, sir.

Q How long did she remain there? A She would go out and work sometimes, and she would be gone six months, seven months, eight months, something like that, and come down on Big creek again.

Q Did she have a home in this nation? A No, sir.

Q Who was she living with? A With her mother up on Big creek except when she was working out.

Q Was she married then? A No, sir.

Q Her husband wasn't living then? A No, sir.

BY MR. HASTINGS: How long has Tecumseh been living in Vinita?

A I don't know how long he has been living in Vinita.

Q Well, your best judgment, has he lived there five years?

A Yes, sir, I guess he has been living this time close on to ten years, I can't tell.

Q You know where he came from? A I think he had been working on a railroad.

Q Where? A Down on this line, (indicating.)

Q To Texas? A Yes, sir, I am thinking he had been working there, I am not certain.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) M. D. Green.

Subscribed and sworn to before me this June 10th, 1901.

(Signed) T. B. Needles,

Commissioner.

CONTINUATION OF THIS CASE TAKEN BY STENOGRAPHER J. O. ROSSON.

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JOSHUA HOLT, et al., Application continued. Former portion reported by Stenographer M. D. Green.

APPEARANCES:

Messrs. Kellotte & Smith, for Applicants;  
Mr. W. W. Hastings, for Cherokee Nation.

MOSES RILEY, being duly sworn by Commissioner T. B. Needles, testified as follows: By Mr. Smith, of Counsel for Applicants:

- Q State your name? A Moses Riley.  
Q Where do you live? A Chelsea.  
Q Do you know this applicant, Joshua Holt? A Yes, sir.  
Q Did you know his mother? A Not very well acquainted with his mother, I knew her.  
Q How long have you known him? A I don't know, sir, how long I have known him exactly.  
Q How old are you? A 51.  
Q Did you know him before the war? A No, sir.  
Q When did you first get acquainted with him after the war? A First time I saw him I saw him on his uncle's place on Big creek.  
Q When was that? A It was some years ago, I don't know just exactly how long it was.  
Q Who was this uncle? A Andy Daugherty.  
Q Well give us your best idea, judgment, as to when it was if you can when you saw him? A Well, I don't know exactly what year it was.  
Q How long ago was it? A I expect it must have been 21 years ago.  
Q You hadn't known him before that? A No, sir.  
Q You don't know when he belonged to? A No, sir.

COLUMBUS McNAIR, being sworn by Commissioner Needles, testified as follows: BY MR. SMITH:

- Q State your name? A Columbus McNair.  
Q How old are you? A 51 years of age.  
Q What is your post office? A Vinita.  
Q Do you know this applicant, Joshua Holt? A Yes, sir, I know him.  
Q How long have you known him? A I have known him ever since he was a baby.  
Q Did you know him before the war? A I knew him just a little before the war came up.  
Q Do you know who he belonged to? A Yes, sir, belonged to William Holt.  
Q Was William Holt a Cherokee Indian? A Yes, sir.  
Q Do you know what became of Joshua during the war? A No, sir, I don't know nothing about him.  
Q When did you first see him back in the Cherokee Nation after the war? A Well, sir, I just can't remember what time it was I saw him back.  
Q Well, where did you see him when you got him back? A The first time I saw him after the war was up here on Verdigris.  
Q At what place? A Goose-neck Bend.  
Q Do you know how long ago that has been? A Well, that was something before 1880.  
Q Do you know how long before 1880? A No, sir.  
Q Do you know where he was in 1880? A No, I don't know where he was in 1880.  
Q Do you know where he was in 1886? A No, sir, I don't.  
Q Did you know his mother, Esther Holt? A Yes, sir, I was acquainted with her.  
Q Do you know where she was in 1886? A No, sir, I don't.



- Q Where did you live before the war, Columbus? A Right across Grand river in Saline district.
- Q Where did Joshua Holt and his mother live? A In Illinois district.
- Q How far was that from you? A When I got acquainted with them I was working at John Daniels' in Canadian district.
- Q How far were you working from him? A Just across the river there at John Daniels at the old place.
- Q You were working there when the war came up? A Yes, sir.
- Q And you knew these people? A Yes, sir.
- Q You didn't see them for years after the war? A No, sir.
- By Com'r Needles: Did you know Joshua's wife's father and mother? A Yes, sir.
- Q What was their names? A Anderson Johnson was her father and Dinah was her mother.
- Q Were they slaves? A Anderson Johnson was, I don't know anything about their mother.
- Q Do you know whether they were married or not? A No, sir.
- Q Do you know they lived together as man and wife? A Yes, sir.
- Q How long? A I can't say, they were living together when I saw him.
- Q Do you know how many children they had? A No, sir, I don't know how many children they had at all.
- Q Where was that? A It was on Big creek when I got acquainted with him.
- Q After the war? A Since the war.
- Q You never knew them at all before the war? A No, sir.
- Q You know Jane you say? A Yes, sir.
- Q Where was Jane living when you first knew her? A She was living there with her father.
- Q Was she married? A No, sir.
- Q Living with her father Anderson? A Yes, sir.
- Q Do you know whether Anderson went out of the nation during the war? A I wasn't acquainted with him.
- Q Don't know whether he went and when he came back? A No, sir.
- By Mr. Hastings: Did you ever know Joshua Holt in Fort Scott? A No, sir.
- Q Did you know his mother, Esther? A No, sir, I never seen either one of them up there.
- Q How long has Joshua been up to Vinita? A I ain't able to say, 12 or 13 years or way.
- Q How long has his mother? A She has been there about as long as he has.
- Q How long has Tecumseh been there? A They come there together. They come there about the Wallace court, before the Wallace court, and been there ever since; Joshua lived there before that time.
- Q The Wallace court was in 1869 wasn't it? A I guess so, I didn't take any particular notice.

JOSHUA HOLT, the Applicant, recalled. By Com'r Needles:

- Q Joshua, did Anderson Johnson, your father-in-law, go out of the Cherokee Nation during the war? A He was a soldier.
- Q In what army? A In the 44th or 45th United States Infantry Colored, 48th I think.
- Q Where was he discharged, do you know? A I think he was discharged at Fort Leavenworth.
- Q When did he return to the Cherokee Nation? A '66.
- Q How do you know that? A I saw him on Big creek.
- Q In '66? A Yes, sir.
- Q Was his wife living there with him then? A Yes, sir.
- Q Jane your wife living with him? A She was born on Big creek.
- Q You saw him there in '66? A Yes, sir.
- Q Was he there when you came or you came before him? A He was there when I came.



OWN'R NEEDIES:--Joshua Holt applies for the enrollment of himself, his wife, Jane, his two stepchildren, Laura and Ella Reason, and his own four children, Jessie, Willard, Clifford and Maucelia Holt. He cannot be identified upon the authenticated roll of 1880 or census roll of 1896, upon examination; neither can his wife. He is identified as well as his wife on the Kern-Clifton and Wallace rolls according to the page and number of the rolls as indicated in the testimony, and his older stepchild, Laura, is identified upon the Wallace roll and Kern-Clifton roll. His remaining stepchild and his own children, Jessie, Willard, Clifford and Maucelia, are not identified upon said rolls, having been born after said roll was compiled. He avers that he is a child of Hether Holt, and that his wife is the daughter of Anderson and Dinah Johnson. He avers that Dinah Johnson was a slave of a citizen of the State of Arkansas, and that Anderson Johnson was a slave of a Cherokee citizen. He also avers that Anderson Johnson, father of his wife, was a United States soldier and returned to the Cherokee Nation in the year 1866, where his wife, Jane, was born. Anderson Johnson being a Cherokee slave and his wife, Dinah being a slave of a citizen of the State of Arkansas, it will be necessary to make satisfactory proof of the marriage between the said Anderson Johnson and the said Dinah Johnson in order to establish the citizenship of his wife, Jane; and it will also be necessary for satisfactory proof of marriage to be made between Joshua Holt and his wife, Jane, in order to establish the citizenship of his children, in case the citizenship and marriage of Jane's mother is not fully proven. By reason of the facts as set forth in the testimony, said Joshua Holt, his wife, Jane, and his two stepchildren, Laura and Ella Reason, and his four children, to-wit: Jessie, Willard, Clifford and Maucelia, will be listed for enrollment as Cherokee Freedmen upon a doubtful card. The fact that his two children's Clifford and Maucelia, names do not appear upon any rolls of the Cherokee Nation it will be necessary for him to file satisfactory proof of birth as to said children.

J. O. Rosson, being first duly sworn, states that as stenographer to the commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. Rosson.

Subscribed and sworn to before me this 21st day of June, 1901.

(Signed) T. E. Needles,

Commissioner.

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Supplemental Testimony in C.F. D. #644.

Joshua Holt et al.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Nowata, I. T., June 29th, 1901.

Mellette & Smith, Attorneys for applicants present;  
W. W. Hastings, present for the Cherokee Nation.

DANIEL SANDERS, being sworn by Commissioner T. B. Needles,  
testified as follows, for the applicant: By Mr. Smith:

- Q What is your name? A Daniel Sanders.  
Q Where do you live? A In the Cherokee Nation.  
Q Do you know Anderson Johnson? A Yes, sir.  
Q Do you know Dinah Johnson? A Yes, sir.  
Q What relation are they? A Man and wife.  
Q Where did you first know Anderson Johnson? A In the army.  
Q Where did you first know his wife? A At Fort Gibson.  
Q Do you know if Anderson Johnson was a slave? A Yes, sir.  
Q Who did he belong to? A Ben Johnson.  
Q Was he an Indian? A He was a white man married to a Cherokee Indian woman.  
Q Was she a recognized citizen of the Cherokee nation? A Yes, sir.  
Q Who did Dinah Johnson belong to? A She came from the states where she belonged to the Funkhouser family.  
Q When did Anderson and Dinah marry? A After the war.  
Q Do you know if they have any children or not? A Yes, sir, they have.  
Q What are their names? A Mary was the oldest one I believe.  
Q Do you know the names of any of the others? A I never paid much attention to them.  
Q Do you know where they are now? A They are at Vinita.  
Q Are they married or single? A Mary is married.  
Q Who is she married to? A Joshua Holt.  
Q How is that Mary or Jane? A Jane, yes, it is Jane.  
Q Who is the oldest then? A Jane is.  
Q You said a while ago that Mary was the oldest? A I know but I think now Jane is.  
Q And she is married to Joshua Holt? A Yes, sir.  
Q Do you know where Jane was born? A In the Cherokee nation.  
Q Close to where you live? A Yes, sir, 6 or 7 miles.  
Q Don't you know where Mary was born? A Must have been born there too.  
Q Do you know any of the other girls? A I think there was three girls in all.  
Q Do you know the name of the other one? A I don't know.  
Q Would you know it if you heard it? A Yes sir.  
Q Was it Ruth? A Yes, sir.  
Q Where were those children born and raised? A On Big creek mostly.  
Q How long has Jane been married to Joshua Holt? A Ten years or longer.  
Q Do you know when Anderson Johnson came back to the Cherokee Nation? A Yes, sir, In '66 with us.  
Q Do you know when Dinah came back? A I don't know exactly the time.  
Q Are they living or dead? A Both dead.  
Q Where did they die? A Anderson got killed close to where he lived.  
Q How long ago was that? A I think it was in '78.  
Q How long did Anderson and Dinah live together there? A Until he died.  
Q From what time? A I don't know just exactly when he married. Must have been in the fall of '65.  
Q And from that time until he was killed they lived together? A Yes, sir.  
Q Did they keep house up there? A Yes, sir.  
Q Were they received in your community as man and wife? A Yes, sir, I never knewed any difference.

Q What time of the year was it that Anderson Johnson came back here? A Long in August '66.

Q What part of the nation did he come to? A Big Creek.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.

Q On the roll of 1860? A Yes, sir.

BY HASTINGS: Did you know Johnson's wife before the war?

A No, sir.

Q She was a state raised woman? A Yes, sir.

Q Where did you see her first to know her? A In Kansas, I knowed her stepfather before that.

Q What was his name? A Rube Funkhouse.

Q Did she have any children before she and Anderson Johnson married?

A No, sir.

Q How old was she when they married? A She wasn't very old.

Q Were they married in Kansas? A I think so.

Q Did he bring his wife with him when he came with you folks?

A Not the first time.

Q What time was it that he come down with you, what time of the year? A Long in '66, long in the month of August.

Q Was that when some of you men folks come in advance?

A Yes, sir.

Q Did you have your family with you? A No, sir.

Q They all went back afterwards and brought their families?

A Yes, sir.

Q When did Anderson Johnson bring his wife there? A I don't know just exactly when it was.

Q Can't you be positive as to whether that oldest child was born in the Cherokee nation or in Kansas? A In the Cherokee Nation, I think, I never heard of her having any children in Kansas.

Q How far did he locate from you? A 7 miles, between 6 and 7 miles close to Albert Morris.

BY SMITH: What time did Anderson Johnson bring his wife down there? A I don't know exactly the time, shortly after that, shortly after he came himself.

Q What is your best judgment? A Not long after he came himself.

Q As much as six months? A Can't have been any longer.

BY HASTINGS: This woman has had some children born to her since her first husband was killed? A I think so, one.

Q What is that child's name? A I don't know, it is a boy.

Q How long after her husband's death before this boy was born?

A I can't tell you that.

Q Two or three years? A Yes, sir, I guess so.

Q He is about grown now? A I haven't seen him for quite a while.

Q Don't know his name? A No, sir.

RUHEN SANDERS called and sworn as a witness for the applicant. By Smith:

Q What is your name? A Ruhen Sanders.

Q Where do you live? A On Big Creek.

Q Are you a citizen of the Cherokee nation? A I am.

Q On the roll of 1860? A I am.

Q Do you know Anderson Johnson? A I did.

Q Did you know a woman named Pirah Johnson? A Yes, sir.

Q Do you know what relation they were to each other? A Man and wife.

Q When did you get acquainted with Anderson Johnson? A When he came out of the army.

Q When did he come to the Cherokee Nation after the war? A With us in our wagon.

Q When? A Long in the summer of '66.

Q Was he married then? A He was not.

Q When did you first become acquainted with his wife? A In Kansas.

Q When did you first see her in the Cherokee Nation? A I don't know exactly, several years after we came down here that I saw her down here.

Q Where do you live? A On Big Creek.

Q How far did you live from where Anderson Johnson was killed?

A About 7 miles.

Q Did they have any children, Anderson and Dinah? A They had several.

Q Any girls? A Yes, sir.

Q Do you know the name of the oldest girl? A I don't know if I do or not.

Q What are the names of those you remember? A Mary, I don't know much about the girls.

Q Do you know if any of these children are married? A One is married to Josh Holt.

Q Where does she live? A In Vinita.

Q How long did Anderson and Dinah live together? A From the time they married until he was killed, I don't know exactly the number of years.

Q How long since he was killed? A I think about 16 years.

Q Do you know when they married, Anderson and Dinah? A I don't know the exact date, it was somewhere about 5 or 6 years after he came here.

Q Did you see them married? A No, sir, but I know they occupied a house and kept house there and lived together as man and wife.

Q How were they recognized by the neighbors there? A As man and wife.

Q Do you know when these children of theirs were born? A No, sir.

Q Were they born while they were living together as man and wife?

A Yes, sir.

Q Where were they born? A On Big Creek, there where they lived.

Q In the Cherokee Nation? A Yes, sir.

Q Do you remember which one of the girls, Josh Holt married? A No, sir, I don't believe I remember her name.

Q Do you know whether she is the oldest child or not? A No, sir, I don't.

Q Do you know whether she was born? A No, sir, not exactly, but to my best judgment they was all born in the Cherokee Nation on Big creek.

By Hastings: With whom did Anderson Johnson first live when he came down here? A Where I live.

Q You all first came down in August and then went back?

A Yes, sir.

Q You say Anderson wasn't married then? A No, sir.

Q His wife was up in Kansas then? A She wasn't his wife at that time.

Q The woman that he afterwards married was in Kansas then?

A Yes, sir.

Q He afterwards went up there and married her? A Yes, sir, and then brought her back with him.

Q Did you know his wife before she married him? A Yes, sir.

Q Where did she live? A There in Fort Scott.

Q And your recollection is that some 4 or 5 years after you all came down that she came here as Anderson Johnson's wife?

A Yes, sir.

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Chat. von Waise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause, and that the foregoing is



a full, true and correct transcript of his stenographic notes therein.

(Signed) Chas. von Weise.

Subscribed and sworn to before me this the 15th of July, 1901.

(Signed) E. T. Needles,  
Commissioner.

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To be filed in case of Jane Holt, et al., C.F.D.-544.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Nowata, I. T., June 28, 1901.

In the matter of the application of Ruth Chinatta for the enrollment of herself and 3 children as Cherokee Freedmen; being sworn and examined by Commissioner Needles, she testified as follows:

APPEARANCES:

Mr. Louis Brown, for the applicant;  
Mr. W. W. Hastings, for the Cherokee Nation.

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SAM WEBBER, being sworn by Com'r Needles, testified as follows: By Mr. Brown:

Q What is your name? A Sam Webber.

Q Mr. Webber, do you know Anderson Johnson and Dinah Johnson, the mother and father of this applicant? A Yes, sir.

Q You know whether they were ever married or not?

A I couldn't tell you about the wedding, they were living together as man and wife.

Q So recognized by the community? A Yes, sir.

Q Were they living together as man and wife at the time this applicant was born? A Yes, sir.

Q You know this girl's sister, Mary Johnson? A Yes, sir.

Q At the time she was born were they living together as man and wife? A Yes, sir.

Q Did you testify for Jane Holt in the Joshua Holt case? A I did 3 years ago, I didn't this time.

Q You testified a while ago in the Mary Johnson case? A Yes, sir.

Q You didn't say anything about their marriage then? A No one asked me; I didn't have no right to unless they asked me.

Q When did you first see Anderson Johnson and the mother of this girl living together as husband and wife? A They come and settled down there; he married her somewhere and brought her there, I don't know where he married her.

Q When was it? A I don't believe I can tell you just when that was.

Q How long after the war was it? A I couldn't tell you that and be positive in it.

Q Was Anderson Johnson married when he first came there?

A No, sir, he was a single man.

Q It was sometime after that when he married? A Yes, sir.

Q Had he been married up to that time? A Up to what time?

Q Up to the time he first came up there after the war in '66 as you testified a while ago? A He was single when he come down.



Q You don't remember how long after that when you saw him living with this woman? A No, sir, I couldn't be positive, but they was living together as man and wife on the creek there when he got killed, and had been for several years.

Q You remember just what year he got killed? A No, sir.

Q You don't remember just about how long after he come down there? A No, sir.

Q The circumstance of his getting killed isn't as great as the circumstance of your first seeing him after the war? A I don't know, it might be greater for all I know, but I never paid no particular attention.

Q About what is the first date that you are willing to swear that you saw them living together as husband and wife? A I tell you I never paid no attention to it, so many people married, I can't keep the dates of all of them, of of course I didn't rtry.

Q I am not asking you, Mr. Webber, the exact date, but how long ago, now when they first began living together, but about how many years ago are you willing to testify you saw them living together?

A I don't know, I couldn't be positive about that.

Q Did they have any children when you first saw them living together as husband and wife? A When I first saw them they didn't have any.

Q Do you have any idea how old this woman is, (indicating applicant)

A No, sir, not exactly.

By Com'r Needles: Well, Mr. Webber, how long did they live together as husband and wife according to your best recollection, your knowledge? A I declare I couldn't answer that correct.

Q Did they raise a family there? A Raised them right there on the creek, three children.

Q While they were living together as man and wife they raised a family? A Yes, sir.

By Mr. Hastings: You don't know where he got the woman?

A No, sir, I couldn't tell you.

Q How far did they live from you? A About 10 miles I guess, as near as I can guess at it.

Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicant identified on page 144, #3581, Chinnett, Holt, Cooweescoowee district.

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SAM WEBBER, witness, recalled and further examined: By Mr. Smith: (Of Mellette & Smith.)

Q Did you know Jane Holt? A Yes, sir.

Q Whose wife is she now? A John Holt's.

Q Whose child is Jane Holt? A That's Anderson Johnson's child, by Dinah, his wife.

Q And the mother? A Dinah I said.

MR. SMITH: If the Court please, I would like a copy of the statement of Sam Webber taken in this case, filed with B 644.

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M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript of the testimony of Sam Webber in above styled case.

(Signed) M. D. Green.

Subscribed and sworn to before me this August 27th, 1901.

(Signed) I. B. Needles,

Commissioner.

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DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS

J. G. Rosson, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes, he copied the foregoing and that same is a true and complete copy of the original testimony and proceedings in the above case.

J. G. Rosson

Subscribed and sworn to before me this September 12th, 1904.



Commissioner.

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Mr. Davidson: And you ...

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File with case of Nathan Holt, C.F.-D.#645.

Supl. C.F.-D.#645.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
VINITA, I.T., OCTOBER 5th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of  
BALLIE MILLER as a Cherokee Indian, introduced on behalf of  
Cherokee Nation:

APPEARANCES:

Mr. Mellette, of Counsel for applicant;  
Mr. Davenport, of Counsel for Cherokee Nation.

SIMON MCKENZIE, being duly sworn by Commissioner Needles,  
testified as follows on behalf of Cherokee Nation:

MR. DAVENPORT: What is your name? A Simon McKenzie.

Q Where do you live? A I live up Pryor Creek, about five miles  
north of Pryor Creek.

Q What is your age? A I am 37.

Q How long have you lived in the Cherokee Nation? A Been living  
here all my life, only few times I have been out of the Nation.

Q Well, you were out of the Nation; when you were out of the Nation  
what places were you in? A When I was out of the Nation I lived at  
Fort Scott, Kansas.

Q About what year did you live in Fort Scott, Kansas? A I lived  
from 1865 down to 1868, '87 and down to spring of '68.

Q During the years you lived there did you become acquainted with  
Ballie Miller, or Holt, or Walker? A Yes, sir, I was acquainted  
with one lady named at that time Ballie Holt.

Q Well, did you know her family at that time, her mother?

A Yes, sir.

Q What was her mother's name? A Aunt Raster Holt.

Q Did you know any of her brothers? A Tecumseh and I forget  
the other one's name, was another one.

Q Do you know whether it was Mose or Joshua? A Yes, sir, Mose and  
Joshua.

Q Did you know any of her sisters? A Yes, sir, but I forget their  
names.

Q Now, where were they living, if you know, during the years you  
lived at Fort Scott? A They lived in an old Government building  
right in Fort Scott.

Q You went there in 1865? A In '65.

Q How long had you been there before you knew these people, or got  
acquainted with them? A I was there about a month or two or three  
months, I could not state the time.

Q Well, where were they living when you left Fort Scott, Kansas,  
if you know? A Well, Aunt Raster was living in an old Government  
building.

Q Have you seen any of them since that time? A No, sir.

MR. MELLETTE: Now, Mr. McKenzie you don't know that the woman  
who is an applicant here for enrollment is the woman whom you say  
you saw up at Fort Scott, Kansas, at the close of the war, do you?

A I can't know the woman.

Q You don't know that that is the same woman? A In the same name.

Q It is not the same name? A She was Holt.

Q Well, you don't know that this is the same woman that you knew  
up there, do you? A Well, it was a daughter of Raster Holt, it  
was a Ballie woman.

Q Well, you don't know anything about this applicant, you have  
never seen this applicant here? A I haven't seen her here.



- Q Well, you have never seen her since she has made application here for enrollment have you? A No, sir.
- Q Now, when did you leave Fort Scott, Kansas? A I left there early in '68, in the spring.
- Q In the spring of '68? A Yes, sir.
- Q What were you doing up there at Fort Scott? A I was working there at Fort Scott, for Billy Shanahan, stone mason, doing public work there.
- Q Did you keep track of these colored people? A All I saw.
- Q Did you ever testify in this case before? A I guess I did.
- Q When? A Not long ago at Fort Gibson.
- Q You give testimony up at Fort Gibson? A I think I did.
- Q How long ago? A I don't know exactly whether it was last month.
- Q How old are you, Mr. McKensie? A I am 59.
- Q Well, it has been 35 or 6 years ago then since you saw them up there at Kansas? A Yes, sir, I guess so, I never kept count of the time.
- Q Well say 35; well, Mr. McKensie, can you remember just about the time you saw these people up there 35 years ago A Well, I guess I could remember it, I stated before.
- Q There is no reason why you paid particular attention to them? A No, just seeing them pass and repassing about.
- Q You left there in the spring of '68? A Yes, sir.
- Q Well, they could left there a year before that and you not remember it 35 years afterwards? A Didn't I saw they back and forth all the time I was up there, off and on.
- Q Well, now, off and on there, you saw them? A Every week.
- Q Can you remember 35 years ago you saw these people every weeks? A I guess so, I wouldn't be here if I didn't thought I could testify nothing.
- Q Well, you feel because you are here you have to testify something? A I don't know.
- Q Well, I want to know if you can remember 35 years ago you saw these people every week? A I did while I was living in Fort Scott most every week.
- Q Is it possible they might have left there a year before you did? A If they did they went back in a short time.
- Q What were you paying so particular attention to those people for? A I could not tell you.
- Q You just watched them? A Well, just seeing them pass and pass every day.
- Q Who else did you see up there at Fort Scott? A Why I see good many.
- Q What other colored people? A Good many. Good many other colored people, but I don't know their names.
- Q Well, now, give the name of some other colored person you saw up there except this family? A I could not give their name.
- Q There were a great many colored people in Fort Scott? A Yes, sir.
- Q And of all the colored people that was in Fort Scott this family is the only one you remember the names? A Yes, sir; of course I was passing there and some lived out in the country.
- Q Well, who else lived in the Government building there? A Good many families.
- Q Good many families? A Yes, sir.
- Q Why don't you remember the names of the other colored people? A Because the boys I remember them, and part lived in town.
- Q Why can't you remember the names of some other colored people you saw there some time? A Well, I could if I wanted to state the whole thing I can, there was Bill Thompson.
- Q Who is Bill Thompson? A There he is (pointing to a man in the audience.)



Q And who else was there? A Bill was blacksmith; Tom Brown.  
Q Was it Tom Brown or Bill Brown? A Tom Brown.  
Q What did they leave there? A I don't know.  
Q Were they there when you left? A I don't know; they lived out at the edge of town, of course when I left town I went out about three miles or two and a family lived there by the name of Campbell, worked right there at Fort Scott. I know the whole generation if you will give me time to call the name over, the whole generation of them.  
Q What makes you remember seeing these people there all the time you were there? A I saw them off and on, because I was working in town; Tom Brown was a blacksmith, worked in town.  
Q When was the last time you remember seeing this Gallie Miller?  
A Well, I saw when I left Fort Scott.  
Q Did you see her the day you left? A No, sir; I didn't see her the day before I left.  
Q How long before you left did you see her? A Oh, short time, maybe a week or two weeks.  
Q You remember then of seeing her two weeks before you left?  
A Yes, might have been two weeks, and maybe longer and not so long.  
Q Maybe a year too? (No response.)  
Q Was it a year? A No, sir, I don't think it was a year; if she left there at all she went west, went towards Mapleton.  
Q How do you know she went to Mapleton? A Well, if she left at all.  
Q What makes you think that? A That was the talk.  
Q How was that? A That is why I found out by talking with her brother.  
Q You got a letter? A No, sir, talking with her brother.  
Q You are testifying to what her brother told you?  
A That is how I found out where she went, if she went off at all.  
Q That is the reason you are swearing that she was there all the time you were there? A No, sir; I know it.

WILLIAM MARGRAVE, being duly sworn by Commissioner Needles, testified as follows:

MR. DAVENPORT: What is your name? A William Margrave.  
Q What is your age, Mr. Margrave? A My age is -130--about 82; I am away along in the 83 year.  
Q Where do you live, Mr. Margrave? A Fort Scott, Kansas.  
Q How long have you lived at Fort Scott, Kansas? A Since 1854.  
Q Since you lived at Fort Scott, Kansas, did you become acquainted with a colored family by the name of Holts or Holt? A Yes, sir.  
Q You know the old lady's name? A Yes, sir; do you mean the mother?  
Q Yes, sir; what was her name? A Easter Holt.  
Q How many of the children do you remember, Mr. Margrave? A Let's see, there was Mose, Cough, Gallie and Josh.  
Q When did you become acquainted with the family? A I am not positive, I think they came there along towards the close of the Civil war, if they didn't they came there very shortly afterwards.  
Q Well, now, where did they live with reference to where your home was? A Well, most of the time they lived in, I should judge, about a hundred yards, except Mose he lived, after he married, he lived about 50 yards.  
Q Well, now, where is Mose Holt living now, do you know?  
A Lives right there by me in Fort Scott.  
Q Do you know where Josh is living? A I do not, he has been away from there a good many years, I don't know how long.  
Q Well, about how many years has it been since Josh moved away from there? A Of course that would be from guess work, something I never took no count of; I don't think he has made his home in Fort Scott for the last 15 years, I might not be correct about it.

Q About how long has it been since Tecumseh moved away from there?  
 Q That maybe all the way from five, six, seven or eight years, not longer than that.  
 Q Well, when did Bettie leave there, about when did she leave?  
 A That is quite a while ago, I could not tell that.  
 Q Well, did Gallie Holt marry while she was up there? A Yes, married twice.  
 Q What was her first husband's name? A Walker he died and then she married a Miller.  
 Q Do you know what Miller's first name was, or what he was known by up there? A Stephen I believe it is.  
 Q Have you seen Gallie Miller, the applicant, since you been down here? A I saw her this morning, spoke to her.  
 Q Did you recognize her as the same woman you knew up there as Sallie Holt? A Well, she lived right there near me for I expect 30 years, I don't know that it was that long, of course I knew her as well as I knew anybody in Fort Scott.  
 Q About how long ago was it since Gallie left Fort Scott?  
 A Well, now, I can't tell you.  
 Q Well, you came from there in -? A Seven, eight or ten years.  
 Q Do you know where Aunt Gaster Holt is living now, whether she is living or dead? A I saw her I think about a year ago up in Fort Scott, I have never heard of her dying.  
 Q When did she move away, if at all, from Fort Scott, Kansas?  
 A It comes to those dates -  
 Q About how long? A I would think it was six or seven years ago.  
 Q You got acquainted with this family as I understand you, sometime about the close of the war? A Yes, sir, I knew them by sight and afterwards got acquainted with them.  
 Q They afterwards lived right near you? A Yes, sir. It was right close to me, I don't think it was over a hundred yards from where I now live.  
 Q And they lived there then in your neighborhood from the time you got acquainted with them up until a few years ago? A Yes, just as I stated.  
 MR. LEBLETT: Now, where was Gallie Miller in the fall of '65?  
 A I don't think I could tell just that because -  
 Q Well, now, where was she in '66? A The family was there, I am satisfied they were in Fort Scott in '66.  
 Q I am talking about Gallie Miller now? A I know you do; one of the family might have went away.  
 Q You can't say that Gallie Miller, or Gallie Holt, was not here in the Cherokee Nation in 1866 can you? A No, sir, I cannot; I know the family was living up there at that time. One of the family could go off and I would not know anything about that; go off and return again.  
 Q Isn't it a fact that she was down here in '66, and didn't go back up to Kansas for a couple of years after '66, about '68?  
 A No, I don't know.  
 Q You don't know? A No.  
 Q That might be true, might it not? A Yes, the family was there, I know they didn't all come here; might be such a thing as she did, of course not looking for a thing of that kind I might not know.  
 Q Well, these people might have come down in the Territory from time to time without you knowing their business, might they not, 35 years ago? A You mean one at the time?  
 Q Yes, or two at the time? A Of course they might.  
 Q Sallie Miller's husband died up there, one of them? A Walker.  
 Q Didn't she take some children back from here the first time she went back? A Children; I don't know anything about it.

JOHN FORBES, being duly sworn by Commissioner Needles, testified as follows on part of Cherokee Nation:

MR. DAVENPORT: What is your name? A John Forbes.

Q What is your age, Mr. Forbes? A 56.

Q Where do you live? A Fort Scott, Kansas.

Q How long have you lived in Fort Scott, Kansas? A 33 years.

Q Since you have been living at Fort Scott, Kansas, did you get acquainted with a colored family by the name of Holt? A Yes, sir.

Q What was the old lady's name, if you know Mr. Forbes? A I don't exactly know what the old lady's name was.

Q What was the children's names? A I have heard the names; well there was Mose and Josh and Mrs. Walker; well, there was one or two others.

Q Do you know whether her name was Sallie Walker or what her first name was? A Her name was Sallie Walker.

Q Did she marry a man by the name of Walker? A Yes, sir.

Q Where was Walker at the time of his death, if you know?

A I don't know where he died, but I was informed that he died; that I don't know where he died, away or whether he died in Fort Scott.

Q Well, do you know whether or not she married after Walker's death?

A Yes, sir.

Q Who did she marry that time? A Man by the name of Miller.

Q Do you remember his first name? A Well, I have heard it called Step Miller.

Q What business did he follow? A Shoemaker.

Q Well, did you know any of her brothers or sisters that you remember the names of? A Well, there was Bet or Bit, I think that is it; and there was Mose and Josh.

Q Any one else you remember? A I think there was more than that.

Q Do you know where Mose Holt is living now? A Living at Fort Scott.

Q Do you know anything about where Josh is living? A No, sir.

Q About when did Josh Holt move away from Fort Scott, Kansas?

A Well, he moved away from there good many years ago, I don't know very well; I wasn't very well acquainted with him on that account.

Q Well, when did the applicant, Sallie Miller now, formerly Sallie Holt, move away from there? A I could not say, I think the best of my judgment it was eight or ten years ago, but I could not--after I got acquainted with them in '70, then I was personally acquainted with them after that.

Q Was the mother of them living there and keeping house when you got acquainted with them in '70? A I am not sure whether the mother was there, but she was there afterwards.

Q Do you know what became of Bettle whether she is living up there or alive? A No, I do not.

Q You don't remember what year they left but they left there a number of years after you got acquainted with them? A Yes, sir.

MR. HOLLETT: Mr. Forbes, you don't know where these people, any of them, were in 1866, '67 or '8, do you? A No, sir.

Q Isn't it a fact that they came, after you know them, that they came back and forth down here in the territory and back up to Kansas?

A I didn't know anything about that; I think I heard some of them talking about going down to Fort Smith or going from Fort Smith, or something when I got acquainted with them.

Q Fort Smith down here on the border? A Yes, sir; I wouldn't be positive of that; some little recollection in my mind but I wouldn't be positive.

JAMES BRIGHTON, being duly sworn by Commissioner Needles, testified as follows, on part of Cherokee Nation:

MR. DAVENPORT: What is your name? A James Brighton.

Q Where do you live, Mr. Brighton? A Fort Scott, Kansas.



- Q How long have you lived in Fort Scott, Kansas? A 20 years.
- Q Since you have been living at Fort Scott, Kansas, have you become acquainted with a family of colored people by the name of Holt?
- A Yes, sir.
- Q What members of the family are you acquainted with? A I know Mose, Mose lives there now, well I think any other one, George Maybe.
- Q Did you ever know any of the girls? A Oh, I have seen them, I don't know.
- Q You are not very well acquainted with them? A I knowed Mose well and knowed where they lived well; no, I am not well acquainted with the lady folks.
- Q Did you ever know the mother? A No, sir.
- MR. MILLETTE: You don't know where the women folks made their homes, whether they made it here and visited up there, or where they really belonged, do you? A No, sir.

WILLIAM SEXTON, being duly sworn by Commissioner Needles, testified as follows: On part of Cherokee Nation:

- MR. DAVENPORT: what is your name? A William Sexton.
- Q Where do you live, Mr. Sexton? A Fort Scott, Kansas.
- Q How long have you lived at Fort Scott, Kansas? A I have lived at Fort Scott ever since '69.
- Q Well, since you came to Fort Scott, Kansas, did you get acquainted with a colored family by the name of Holts? A I did.
- Q Did you know the mother, the old lady, or reputed mother of the family? A Yes, sir.
- Q What was her name? A Her name was Easter Holt.
- Q What were the names of the children, or as many as you can remember? A There was one by the name of Mose, Josh, and Cumsh and Jennie and Gallie; that's as many as I recollect.
- Q Well, did you know Gallie Holt, if she was a grown woman?
- A Gallie she was a woman when I got acquainted with her.
- Q Josh, was he grown when you got acquainted with him?
- A No, sir, he was a young man.
- Q Would you know Gallie Holt if you would see her now?
- A Yes, sir.
- Q I wish you would look back through the audience and see if you see her? A Yes, sir.
- Q You recognize her as being the same woman, Gallie Holt, you knew?
- A Same woman.
- Q Did she marry while she was living up at Fort Scott? A She was married when I got acquainted with her.
- Q Do you know what her husband's name was? A Her husband's name was Walker.
- Q Do you know whether Walker is living or dead? A He died.
- Q Well, did she marry again? A She did.
- Q Do you know who she married? A She married a man by the name of Miller.
- Q Do you know his first name? A Stepney.
- Q What was his business? A He was a shoemaker up there.
- Q You knew Josh too up there did you? A Yes, sir.
- Q And Tecumseh? A Tecumseh.
- Q Did you know any other girls of the family, was there any other girls that you remember? A I do not.
- Q Do you know whether or not there was a girl by the name of Bettie?
- A I wouldn't be positive but it appears to me there was.
- Q Were they living in Fort Scott when you went there in '69, Mr. Sexton? A Yes, sir.
- Q Well, about how long after you went there did they continue to live in Fort Scott? A Now, I could not say, I didn't pay particular attention, sometime they would leave and sometimes they was there.

- Q Did they keep house while they were there? A Yes, sir.  
Q Did Sallie live there with Walker when he was living?  
A Yes, sir.  
Q Where is Rose living now? A Rose is living up there now.  
Q About how long has it been since you remember of Josh and then living in Fort Scott? A Josh hasn't been there for some considerable time.  
Q Well, about how long? A It has been, I should judge, some ten or 12 years.  
Q Well, how long has it been since Tecumseh has been living there?  
A She has lived there to the best of my recollection, it has been that long since I seen him there.  
Q Do you know where he went when he left there? A No, sir.  
Q You don't know whether he went to Kansas City or not?  
A No, sir, I do not.  
Q Well, how long has it been since Sallie has been living there?  
A I don't know.  
Q Has she lived there any since she and Miller married? A Yes, sir.  
MR. MELLETT: Well, how long do you think it has been since Sallie Miller lived there regularly? A Well, now, I could not say positive, it has been since she left there regularly.  
Q Well, isn't it a fact that she was back and forth ever since you have known her, to the Territory and back to Kansas, would come down here a stay a while and go back to Kansas? A Yes, sir.  
Q That is true? A Yes, sir.  
Q You don't know where any of these people were in '66? '67 or '68?  
A No, sir; I came to Scott in '69.  
MR. DAVENPORT: And they were living there when you came?  
A They was there when I came.

Com'r Needles: This testimony will be made part of the record in Freedmen doubtful cases #953, #979, #980, #645, and in case of Bettie Hicks.

---000000000---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

*J. O. Rosson*

Subscribed and sworn to before me this October 16th, 1901.

*[Signature]*

Commissioner.



*[Faint, illegible vertical text]*

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DEPARTMENT OF THE INTERIOR  
MISSION TO THE FIVE CIVILIZED TRIBES  
FILED  
AUG 1 1902

DEPARTMENT OF THE ARMY  
OFFICE OF THE ADJUTANT GENERAL  
WASHINGTON, D. C.  
JUL 1 1900

[illegible]

100

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., May 31, 1902.

In the matter of the application of FERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209, filed in the Mariah Hayden case F D 436, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Ether Holt, D 645;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decrees because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he resided within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of the decrees in the case of an applicant unless the same is called and filed in some individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decrees of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that appeal for the applicants be allowed within thirty days to file any of the proof of any or all of the record other than the decrees already referred to

in the case of Moses Whitaire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL)

(Signed) P. G. Reuter,  
Notary Public.

I, E. C. Bagwall, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

Subscribed and sworn to before me this July 29, 1902.

Notary Public.

Cherokee Freedmen D 645.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Esther Holt for enrollment as a Cherokee Freedman.

-: D E C I S I O N :-

The record in this case shows that on June 10, 1901, Esther Holt appeared before the Commission at Chelsea, Indian Territory, and made personal application for enrollment as a Cherokee Freedman. Copies of the testimony taken at various times in the cases of Joshua Holt, et al., and Sallie Miller are made a part of the record herein.

The evidence shows that the applicant, Esther Holt, was the slave of a Cherokee citizen at the commencement of the rebellion; that during the rebellion she left the Cherokee Nation and did not return thereto within the time specified, in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. The Cherokee Nation, et al., for the return of Freedmen to said Nation.

The name of said applicant is not found on the 1880 authenticated roll of said Nation.

It is, therefore, the opinion of this Commission that the application of Esther Holt for enrollment as a Cherokee Freedman should be denied, under the provisions of Section 21 of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Chairman.

  
Commissioner.

  
Commissioner.

  
Commissioner.

Muskogee, Indian Territory,

this MAR 5 1904

6 80645

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED  
JUN 26 1901



ACTING CHAIRMAN

9



COMMISSIONERS:  
HENRY L. DAWES,  
TAMM DIXON,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Nowata, Indian Territory, June 28th, 1901.

Received of the Commission to the Five Civilized Tribes,  
one copy of the original testimony of June 10th, 1901, in the  
matter of the application of Esther Holt for enrollment as a  
Freedman of the Cherokee Nation.

*M. C. Little & Son*

Attorneys for Applicants.

Cherokee F. #D845.

COPY.

Cherokee Freedman  
D 648

Muskogee, Indian Territory, March 24, 1904.

Eather Holt,

Vinita, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 8, 1904, rejecting your application for the enrollment of yourself as a Cherokee freedman. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

*T. B. Needles*

Encl. V-8

Commissioner in Charge.

Registered.

COPY.

Cherokee Freedman  
D 648

Muskogee, Indian Territory, March 24, 1904.

Edgar Smith,  
Attorney for Esther Holt,  
Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, rejecting the application of Esther Holt for the enrollment of herself as a Cherokee freedman. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

I. B. Nease

Commissioner in Charge.

Encl. V-6

Registered.

COPY

Cherokee Freedmen  
D 446

Muskogee, Indian Territory, March 24, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,  
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, rejecting the application of Esther Holt for the enrollment of herself as a Cherokee freedman.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

*I. S. Neill*

Encl. Y-7

Commissioner in Charge.

COPY.

Cherokee Freedman  
D 645

Muskogee, Indian Territory, March 24, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Esther Holt for the enrollment of herself as a Cherokee freedman, including the Commission's decision dated March 8, 1904, rejecting said application.

Respectfully,

Encl. V-8

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.



Refer in reply to the following:  
Land.  
20530-1904.

COPY

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON, June 17, 1904.

The Honorable,

The Secretary of the Interior

Sir:

I have the honor to enclose herewith a report from the Commission to the Five Civilized Tribes, dated March 24, 1904, transmitting the record of the application for enrollment as a Cherokee freedman of Esther Holt.

March 5, 1904, the Commission found that the applicant was not entitled to enrollment as a Cherokee freedman.

The evidence shows that the applicant was the slave of a Cherokee citizen at the commencement of the war of the rebellion; that during the war she left the Cherokee Nation and that she did not return and establish a residence therein on or before February 11, 1867. The name of the applicant is not identified on the 1880 authenticated Cherokee roll.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

A. C. Tenner,

Acting Commissioner.

MM

C

D.C. 22431-1904.

I.T.D. 5034-1904.

LRS

V.C.F.

J.P.

THE

DEPARTMENT OF THE INTERIOR,

WASHINGTON, June 25, 1904.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory,

Gentlemen:

March 24, 1904, you transmitted the record in the matter of the application of Esther Holt ( F.D-645), for enrollment as a Cherokee freedman, including your decision of March 6, 1904, rejecting said application.

Reporting June 17, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed herewith.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) M.W. Miller.

Acting Secretary.

1 inclosure.

Cherokee Freedman

D-646.

Muskogee, Indian Territory, August 4, 1904.

Esther Holt,

Vinita, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision, dated March 5, 1904, rejecting your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on June 25, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen

D-565.

Muskogee, Indian Territory, August 4, 1904.

Edgar Smith,

Attorney for Euther Holt,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 5, 1904, rejecting the application of Euther Holt for enrollment as a Cherokee freedman was affirmed by the Secretary of the Interior on June 25, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen

D-645.

Muskogee, Indian Territory, August 4, 1904.

Hastings, Bell & Davenport,

Attorneys for the Cherokee Nation,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision, dated March 5, 1904, rejecting the application of Esther Holt for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on June 25, 1904.

Respectfully,

Commissioner in Charge.



MEMORANDUM OF APPLICATION

CHEROKEE FREEDMEN

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
FILED  
JUN 10 1901

ACTING CHAIRMAN

## MEMORANDUM OF APPLICATION.

## CHEROKEE FREEDMEN

JUN 20, 1901

Date \_\_\_\_\_  
 Post Office Yazoo St.  
 District Co. 5

1. Name \_\_\_\_\_ Age \_\_\_\_\_  
 Owner's name \_\_\_\_\_ Citizenship \_\_\_\_\_  
 Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ District \_\_\_\_\_

## Parents:

Father \_\_\_\_\_ Citizenship \_\_\_\_\_

Mother \_\_\_\_\_ Citizenship \_\_\_\_\_

2. Name of wife Esther Holt Age 25

Owner's name Wm. Holt Citizenship Cherokee

Year 1891 Page 122 No. 3041 District Co. 5

## Parents:

Father \_\_\_\_\_ Citizenship \_\_\_\_\_

Mother \_\_\_\_\_ Citizenship \_\_\_\_\_

## Names of Children:

| No. | Year | Page | No. | Dist. |
|-----|------|------|-----|-------|
| 3.  |      |      |     |       |
| 4.  |      |      |     |       |
| 5.  |      |      |     |       |
| 6.  |      |      |     |       |
| 7.  |      |      |     |       |
| 8.  |      |      |     |       |
| 9.  |      |      |     |       |
| 10. |      |      |     |       |
| 11. |      |      |     |       |
| 12. |      |      |     |       |

Application made by Mr. 1 Stenographer John P. Brown

See Ballou roll, page 111

Matthie Ann Smith Atty. for applicant.

Xref. 18644

# **NOTICE.**

## **Cherokee - Freedmen - Enrollment.**

The Commission to the Five Civilized Tribes will continue in session at

### **MUSKOGEE, IND. TER.,**

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Esther Holt,  
Vinita, I. T.  
Cherokee-F-1-345.  
Register.

TAMS BIXBY,  
T. B. NEEDLES,  
C. R. BRECKINRIDGE,  
Commissioners.

Cher. Fr. R. 444

See Cher. Fr. R. 445-451  
D. 486, 951

Cher. Fr. R. 444

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED  
JUN 5 1901

79 488-

THE COMMISSIONERS OF THE INTERIOR, WASHINGTON, D. C., HAVE THE HONOR TO ACKNOWLEDGE THE RECEIPT OF YOUR LETTER OF THE 1ST INSTANT, IN WHICH YOU REQUESTED THAT THE COMMISSIONERS OF THE INTERIOR, WASHINGTON, D. C., SHOULD BE KEPT ADVISED OF THE PROGRESS OF THE WORK OF THE COMMISSION TO THE FIVE CIVILIZED TRIBES, AND THAT THE COMMISSIONERS OF THE INTERIOR, WASHINGTON, D. C., SHOULD BE KEPT ADVISED OF THE PROGRESS OF THE WORK OF THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Very respectfully,  
J. M. Smith, Secretary

RECEIVED  
JUN 11 1901



Department of the Interior,  
Commission to the Five Civilized Tribes,  
Oklahoma, I. T., June 3, 1901.

In the matter of the application of Mary Ann Leak for enrollment as a Cherokee Freedman.

Mary Ann Leak, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A My name is Mary Ann Leak now.  
Q How old are you? A I am 37 years old.  
Q What is your post office address? A Nowata.  
Q What district do you live in? A Well, I don't know.  
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.  
Q Who do you want to enroll besides yourself? A I have three children.  
Q Under age? A No, sir.  
Q They are all married? A Yes, sir.  
Q Are you married yourself? A Yes, sir.  
Q Is your husband a citizen? A Yes, sir.  
Q Has he been enrolled? A No, sir.  
Q Why isn't he here to enroll with you; is he here? A Yes, sir he is here.  
Q Do you want to enroll him? A No, sir, he will enroll himself I suppose.  
Q Is your name on the roll of 1880? A No, sir, I guess not.  
Q Is your name on any of the Cherokee rolls? A Yes, sir, it is on the Wallace.  
Q Did you draw what is known as the Kerns-Clifton money? A Yes, sir.  
Q Did you draw your Kerns-Clifton money under the name of Leak?  
A No, sir, I wasn't married to him then, I drew under the name of Martin.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicant ~~identified~~ not identified thereon.

The Kerns-Clifton roll examined and the applicant identified thereon page 170, No. 4195, Goo-wee-soo-wee district, as Mary Martin.

The Wallace roll examined and the applicant identified thereon, page 175, No. 3264, Goo-wee-soo-wee district, as Mary Ann Martin.

- Q What is your father's name? A David Martin.  
Q Is he living? A Yes, sir.  
Q What is your mother's name? A Jane Martin.  
Q Is she living? A Yes, sir.  
Q Where were you born? A I can't tell you, you will have to see my father about that, I can't tell you anything about that, I don't know.  
Q Where were you raised? A In the Territory.  
Q In the Cherokee Nation? A Yes, sir.  
Q That the first place you can recollect? A Yes, sir.  
Q Well now, have you got any witnesses as to your citizenship?  
A My father.  
Q Is he a citizen? A Yes, sir.

David Martin, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A David Martin.  
Q How old are you? A I am 64.  
Q What is your post office? A Geffeyville.  
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir, I have been.  
Q Is your name on the roll of 1880? A No, sir.

Mary Ann Leek - 2.

Q Do you know Mary Ann Leek? A Yes, sir.

Q What relation is she to you? A My daughter.

QQ Is she a Cherokee citizen? A Yes, sir, she has been so recognized.

Q Does she get her citizenship through you? A Yes, sir.

Q Have you been enrolled yet? A No, sir, not this time.

Q Were you a slave? A Yes, sir.

Q What is your owner's name? A My true owner was named John Martin, but I lived with Joe Martin, his uncle, who was his guardian when his father died in an early day and his uncle was the guardian for him.

Q Was he a Cherokee citizen? A Yes, sir.

Q Were you taken out of the Cherokee Nation during the war?

A No, sir, I was in the woods scouting about the breaking out of the war; yes sir, I belonged to him up to the war.

Q Did you remain in the Cherokee Nation during the war? A No, sir, I remained until February, 1861, in the woods; and then I went to Iowa in '61 and stayed there till '65, I married there in '62, and then went in the army and stayed in the army until the fall of '66 and then was discharged and returned back home in October, 1866.

Q Have you been living here ever since? A No, sir, I went back to Iowa for my family, I married there and left this girl and my wife there when I went in the army, and went back there and got them and brought them back through in the fall of '66, up in Kansas, and left them there, and I came here and kept my children there until about 26 years ago I guess, then I came back here and I moved my family down here.

Q Well, 26 years ago; you have been living here for the last 26 years? A Yes, sir, most of the time.

Q Where was Mary Leek born? A She was born in Iowa.

Q Where were you married? A Married in Iowa.

Q That was in what year? A In '61.

Q Then you came back yourself to the Cherokee Nation in '66? A Came back from the army when I was discharged, came here and came on home.

Q You didn't bring your family until 26 years ago? A I brought my family to up to Kansas, up to Ottawa.

Q But you didn't move them back to the Cherokee Nation until 26 years ago? A No, sir, I didn't bring them all back till 26 years ago.

Q Then you didn't live here in the Cherokee Nation absolutely not until 26 years ago? A Yes, sir, pretty near all the time, I was here in '73 and '4 and '5.

Q Well, where was you from '66 until '73? A I was partly in the Nation, I was scouting judge, the truth of it, I was in the woods; that is the reason I didn't bring my family back, they were trying to kill me.

Q Did you occupy any property or get any land or make a home here?

A Yes, sir, I had a home, had hogs and cows here all the time.

Q From '66? A Yes, sir, with my sister, right of that man's (Mr. Bell) house, east of where he lived.

Q Have you any other grown children besides Mary Ann? A I have four children, three girls and one boy.

Q What are their names? A One is named Josie Looney and the other is named Eliza and the other one is named Willie.

Q Are they here? A Yes, sir, all here.

Q Were they all born in Iowa? A No, sir, there was two born here and one in Kansas; two in Kansas and one here, and the grandchildren were all born here.

Q Are there any other facts in relation to your citizenship which you desire to state? A Nothing more than to prove I was here in '66, came through here in '66.

Mary Ann Leek - 2.

By W. V. Hastings, Cherokee attorney: You were married in '61? A Yes, sir.

Q In Iowa? A Yes, sir.

Q How come you to go to Iowa? A I got in trouble here at home.

Q How long before the war? A Got in trouble in the fall of '58 and winter of '59 and the winter of '60 I went in the woods.

Q The truth of the matter, you run away from here in '58? A No, sir, I was here in '58.

Q Are you sometimes known as Wiley? A That is my name, sir.

Q You belonged to Dick Martin's father? A John Martin's father.

Q Well, what relation was he to R. L. Martin? A Well Dick Martin was R. L. Martin and when Gabe Martin went to California he made Dick the guardian of John.

Q Did you belong to Dick Martin? A No, sir, John Martin.

Q Well, Joe Martin has charge of you? A Yes, sir, I was an orphan child's property.

Q And you ran away in about the year 1858? A No, sir, I ran off the winter of '59 or '60.

Q Winter of '59? A Yes, sir, '59 and '60.

Q Where did you go? A Went in the woods, I was scouting.

Q You went to Iowa? A No, sir, I didn't go to Iowa.

Q You were married in '61? A Yes, sir, I left here '61 when they were trying to catch me.

Q How long had you been acquainted with your wife when you married her? A About four months.

Q What time of the year '61 did you marry her? A Married her July 14, 1861.

Q How long had you been in Iowa when you were married? A About four months, been there about two months before I got acquainted with her.

Q And you were in Iowa when the war came up? A No, I was here in the Nation when the war came up, up in the neutral lands scouting.

Q You were in Iowa four or five months before you married? A No, sir, I wasn't that long, because I married about four months after I got acquainted, and I went there in March in the city where she lived.

Q In March of '61? A Yes, sir.

Q Well, this applicant was born in Iowa? A Yes, sir, born in Iowa.

Q Who came back with you to the Cherokee Nation after the war?

A I came back myself, I tell you I come from the army, I come right through here ~~coming~~ from the army.

Q Where were you discharged? A Discharged at Shreveport, Louisiana, and mustered out at Baton Rouge, and then sent to New Orleans and paid off.

Q Where did you go from there? A Went home, come right up the Mississippi river until I got to a little town at the mouth of the Arkansas, and then I took the Arkansas and run up to Little Rock, and from Little Rock to Fort Smith, and from Fort Smith to Fort Gibson and there I took the military wagons and come from there home, went on from there to Kansas and when I come through here there wasn't anybody here.

Q Not anybody here? A Some few in Gibson.

Q Who did you see at Gibson? A Didn't know anybody but Irvin Vann and saw Jim Alberty after I got up on the prairie.

Q What prairie? A On the military road right along from Gibson to Fort Scott.

Q Did you know him before the war? A Yes, sir.

Q Did you stop and have any talk with him? A I stopped and had a talk with him, and we camped by his house.

Q Where was Jim living? A Close to Miss Alberty's place.

Q When was that? A In '58.

Q What time in '58? A October, '58.



Mary Ann Leak - 4.

Q Then where did you go? A I went from there on to Leavenworth and from Leavenworth —

Q You went right on through this country to Leavenworth? A Yes, sir, and stopped a while, I stayed around there three or four days until I could get a government wagon for home.

Q You went to Fort Leavenworth then? A Yes, sir.

Q How long did you stay there? A I didn't stay there any longer than till I could get a steamboat to go up the river.

Q To Iowa? A Yes, sir.

Q You found your family up there? A Yes, sir, found my wife and child.

Q Well, I believe you stated you brought them down to Kansas?

A Yes, sir.

Q Now how long did your wife live there in Kansas? A Well I don't know, she was there two years she was under the doctor, they couldn't move her any way, had to lift her around in quilts; kept her there under a doctor two years and maybe two and a half, until they could get her cured, had to send back to Ohio to get a doctor to cure her.

Q Well, where did you first permanently locate in the Cherokee Nation? A I permanently located first, I took my claim right side of my sister's on Grand River close to my old home.

Q Close to the mouth of Cabin Creek? A Yes, sir, above the mouth of Cabin Creek.

Q About how far? A About three miles, or four.

Q When did you take that claim? A I took that claim in '73.

Q Did you live on it then? A Yes, sir, I improved it, put up some logs and a foundation on it.

Q Bring your family down then? A I went back and got them after I put the claim in.

Q In that the first time you had ever come to Cabin Creek after the war? A No, sir, I traveled right through Cabin Creek as I was going home.

Q You testified five years ago that you came and located near the mouth of Cabin Creek in '66? A No I didn't.

Q You deny that now? A Why I sure deny it, I told you plain, you know I did.

Q Where did you have your cows? A Had them at sister Betty's.

Q When did you put them down there? A Put them down there, I don't recollect.

Q In 1873? A No, I put them there before '73, I put them there in '72 or '71; I was down there all them years.

Q But your wife and your children, your family, was in Kansas?

A Yes, sir, I left them up in Kansas.

Q How far did you locate from where Mr. Bell lives? A About three miles I reckon, or four miles.

Q How old is your second child, the next one to this applicant?

A I don't know, she is five or six years younger than this one; six or seven; my wife was sick all the time until I —

Q Just the exact age? A I don't know just exactly the age.

Q How how old is the third child? A She is about 30 I guess.

Q She born in Kansas? A Yes, sir, born in Kansas.

Q Did you work for Frank Consine in the year 1866? A I and Reck Harrington and Ben Sanders, my brother Science, come down in '66 in the winter, in January, '66, and chopped some wood for Lewis Kell, and I went back in March, '67; in '67 we came down, January, '67 is what I told you we did, we came down January, '67, and chopped wood for Lewis Kell and went back home where my family was in March, '67.

Q Mr. Bell live there then? A Yes, sir, he was living there.

Q You are certain of that? A Yes, sir, I knew it.

Q Well, he never came there till May, 1867; I am just telling you that. A Well he was living there in the Nation, I don't know

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whether he was living at his house or not.

Jim Alberty, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Jim Alberty.

Q How old are you? A 70 years old.

Q What is your post office? A Chouteau.

Q Do you know Mary Ann Leak the applicant here; used to be Mary Ann Martin, or Mary Ann Peterson? A I don't know her by that name.

Q Do you know Dave Martin? A Yes, sir.

Q How long have you known him? A Ever since we were both boys.

Q Was he a slave? A Yes, sir.

Q Who did he belong to? A Old Joe Martin.

Q Was he a Cherokee? A Yes, sir.

Q Well, when was the first time you saw Dave Martin after the war between the north and south? A At my house.

Q When? A In 1866.

Q What time in '66? A Well, I don't know for certain; it might not have been in the fall.

Q Was he married then? A Didn't have no woman there.

Q How long have you known him since that; have you known him since that? A Ever since that.

Q Has he lived in the Cherokee Nation continuously since that time?

A Everywhere I saw him it was in the Nation, never saw him out.

Mr. Hastings: Jim, you know he hasn't been living here? A I don't know anything about that, I tell you he came to my house in '66, he come to my house and I went with him to where an old white man sold whiskey and got me a lot of whiskey and come back; I don't know where he went from that.

Q You haven't seen him for a long time? A It might have been a year after that, before I saw him; I wasn't particular.

Q Where did the white man live that you got the whiskey from?

A Lived right there the other side of Russell Creek.

Q Went all the way up there? A Yes, sir; he said he was going for his family.

Q Was he on horse back too? A Yes, sir.

Q But he testified that he came in the government wagons? A Well he did after he got up there I guess; I don't know about that.

Q Well, at Fort Gibson? A I don't know; that is at home.

Q Where were you living? A You know where the old place that old Baugh owns that you call the Nancy Markham place; I was living right there, it was my home.

Q Do you know the time of the year? A It was in the fall as well as I recollect, fall or summer.

Q Was that the only time you saw him in '66? A I don't know but what it was.

Q Well, you have been thinking over the matter? A No, I have never thought over the matter.

Q You know you were going to be a witness for him? A I guess I am now, when they called me; I don't have to hear what any man says when I come to tell what I know.

Q You testified for him five years ago? A Yes, sir.

Q You testified then you know he was working for Frank Gonsine?

A No I didn't.

Q Do you deny that now? A Yes, sir, I was working for Frank Gonsine.

Q At the time you saw him? A Not exactly at the time but I had been working for Frank and Henry Rider was working for me on this place.

Q Do you know where Dave's family was when you saw him? A No, I didn't know anything about his family, I didn't know he had one at



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that time; Frank told me himself, I was at his house at that time.

Q How do you know? A I heard him.

Q You were sitting right there? A I was sitting where you had me.

Q When did you see his family first? A It was a year or more after I saw him here, that is at my house.

Q Do you think you saw his family here within a year? A Well, it might have been, of course I didn't keep any record of it, I never thought about him until I seen him.

Q I want you to say now how long after you saw him until you saw his family? A Maybe a year or more.

Q How much more? A I don't know.

Q You think it has been as much as six or eight years? A I can't say that because I don't know.

Q You applied for enrollment yourself at Vinita? A Yes, sir, I did.

Q You are the man that Mr. Lindsey testified was sold out of here before the war? A Yes, sir, he did, and didn't testify the truth either.

Q But you joined the army at Little Rock? A Yes, sir.

Q Mr. Lindsey said you were sold out down below Little Rock? A Old Lindsey don't know any more about me than a rabbit.

Q You have been pretty near all over the Cherokee Nation in '86?

A Yes, sir, I was pretty near all over it, every place I could get whiskey to sell I went there, that is how come I was all over it.

Q What year is this? A Well I can't tell you that.

Q You don't know one year from another, do you? A No, nobody has never told me what year this is.

Q Yet you remember what happened 35 years ago? A People that had sense, knows the dates, and told me of that.

Q But they never told you a year since that? A No, sir, never asked nothing about it, because I didn't care, never had a thought nothing about the dates or anything else since; it was told me and I was satisfied I was inside of the treaty and I noticed everybody else I seen was inside until that year was out, then I never kept no record since because I thought them came come after that was out, and I didn't pay no attention to them.

Q Where did you first see this family, at what point? A I can't tell you that, I don't know that.

Q You don't know then where you saw his family? A No, sir, I don't know, I don't recollect.

Q And you don't know how many years? A No sir, I don't.

Q Don't you know when you first saw Dave? A No, I don't know as I can place where I next saw him; the way I recollect him now I went with him.

Mary Ann Leak, recalled, testified:

Commissioner: Have you any children? A Yes, sir.

Q How many? A Three.

Q They are all married, are they? A Yes, sir.

Mr. Hastings: Where were you married first? A I was married, I can't tell you the place, it was in the states though, the first time I married.

Q Iowa or Kansas? A It was in Kansas.

Q What was your first husband's name? A Peterson.

Q Were you living with your mother at the time you married?

A Yes, sir.

Q What was the date of your marriage? A I can't tell you about that.

Q About how old were you? A I can't tell you that either.

Q I want when you married? A Well I don't know exactly myself, rather can tell you.

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David Martin, recalled, testified:

Mr. Hastings: About how old was your daughter when she married first? as much as 18 or 20? A She was 18 I think.

Mary Ann Leak, recalled, testified:

Mr. Hastings: Were you married but the one time? A I have been married the third time.

Q What is your eldest child's name? A Lourena.

Q Where was Lourena born? A She was born, I don't recall of that either now; you will have to ask father that question.

Q You are the mother of that child? A Yes, sir, I am her mother, but I don't know what year she was born or where we were living at.

Q Born in Kansas? A We were living in Kansas when she was born.

Q What is your next child's name? A Charity.

Q Was she born in the Territory? A Yes, sir.

Q Where? A Up there away up above where we first lived, I don't know where it.

Q That is what you first came into the Territory? A Yes, sir.

Q How how old is the second child? A I don't know that either, I never kept no account of nothing of the date, my father attended to that.

Q Did you come in when your mother came? A Yes, sir, I came with my father and mother.

Commissioner: What was your first husband's name? A Peterson.

Q What was your second husband's name? A King.

Q Is he living? A I don't know sir whether he is or not.

Q Your first husband? A I don't know that either.

Q Were you divorced from your both of them? A Yes, sir.

Mr. Hastings: Where were you married to King, your second husband? A Down here at Lightning Creek at Campbell's office.

Q Where were you divorced from Peterson? A In the states.

Q Kansas? A Yes, sir, where I married him.

Q Who was the father of the second child? A Peterson; I have no children by any man except my first husband.

Q Those three children must have been born in Kansas? A No, sir, wasn't all born in Kansas.

Q You got a divorce from him in Kansas? A Yes, sir.

Q Did you go back to Kansas after you came back here? A Yes, sir.

Q How long had you lived here when you returned to Kansas? A When I went back, I didn't exactly know.

Q A month? A I guess must be longer than that.

Q Well, from your best judgment? A A Well, I can't tell you, my father will have to tell you about that because me being quite young, I never paid no attention to nothing of that kind.

Q You can state whether you stayed here longer than a month when you first came down here, before you went back? A Yes, sir, I guess something over a year before I went up.

Q How long did you live in Kansas when you went back? A I wasn't living in Kansas, I just went there merely on a visit, and came back.

Q You got a divorce up there? A Yes, sir, but I didn't have to stay there long to get it.

Q What county did you get it in, what town? A Ottawa.

Mr. Bell: What year was that in? A I can't tell you nothing about that.

Commissioner: A Mary Ann Leak applies for the enrollment of herself. She is not identified upon the authenticated roll of 1880, but is identified upon the Kerns-Clifton and

Mary Ann Leak - S.

Wallace rolls, as Mary Ann Leak Martin, that having been her maiden name. She avers that she is the child of David Martin. She will be listed for enrollment as a Cherokee Freedmen on a doubtful card, and will be notified of the decision of the Commission, when arrived at, by mail.

\*\*\*\*\*

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

*Bruce G. Jones*

Sworn to and subscribed before me this the 3rd of June, 1901,

*J. H. Jones*

Commissioner.

COMMISSION TO THE LIE CHARTERED  
DEPARTMENT OF THE INTERIOR

EXHIBIT  
1801

...for '6, and that their records would show the date, ... the records will show the date I commenced ... bring my family from Kansas to the ... to what year in the '60's I don't know - I don't ... if he ... steadily the year.

( By the Commission )  
Q Do you know whether David Martin ever voted ... to that I don't say, I was too young to mix in politics then, ... was within the last fifteen years I could tell you.

Q From the time he arrived with his family in Ottawa until he took them away some six years afterwards, did you know him and his family as steady and consistent residents of Ottawa? A Yes sir.

Q Was he living there as a man who came there from time to time or as one other regular resident? A As a man who lived there continuously.

Q Did you ever meet him for any length of time? A No sir.  
( By Smith )

Q Did he have any children at that time? A I don't know whether he had any children in the first place, he had one or two born there.

Q The children he had born there when he left there were small children were they not? A Yes sir, small children.

( Smith being recalled and examined by the Commission )

Q Do you know whether David Martin ever voted up in Ottawa? A No, I don't know whether he did or not.

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This will be filed as supplemental testimony in ...  
Martin at ... C. F. D. ... and also in C. F. D. 1885, 7487, 7488.



File with case of Mary A. Reek  
C. F. D. No. 485.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I. T. October, 2d 1901.

SUPPLEMENTAL TESTIMONY in the case of David Martin et al., C. F. D. #486.

W. W. Hastings, attorney for the Cherokee Nation.  
Mellette & Smith attorneys for the applicants. (Applicants present)

SMITH EWING, being first duly sworn by Commissioner D. R. Brackinridge, testified as follows on the part of the Cherokee Nation:

- Q What is your name? A Smith Ewing.  
Q Have you any middle name? A No sir.  
Q How old are you? A Going on 31.  
Q What is your post office? A Ottawa.  
Q In Kansas? A Yes sir.  
( By W. W. Hastings )  
Q You live in Ottawa, Kansas? A Yes sir.  
Q How long have you been living at Ottawa? A I came there in 1867.  
Q Where did you move from? A I moved from Ohio City, a little place eight miles south of Ottawa.  
Q How long had you lived within eight miles south of Ottawa before '67? A I came there in '65.  
Q Have you been living in Ottawa since '67? A Yes sir.  
Q Do you know this colored man, David Martin that you see here? A I do.  
Q When did you first become acquainted with him? A '68, first time I ever recollect of ever seeing him.  
Q Where did you see him? A In Ottawa.  
Q Do you know his wife? A I do.  
Q What is her name? A Jane.  
Q When did you meet his wife to know her? A In 1867 after I got acquainted with brother Martin.  
Q Where did you get acquainted with his wife? A In Ottawa.  
Q Did they have any children? A They did.  
Q Name some of them if you remember? A Mary Ann.  
Q Recollect any of the rest of them? A I can't swear to what the children's names were only Mary Ann.  
Q Do you know whether Mary Ann was married? A Yes sir she was married.  
Q Who to? A Man named Peterson.  
Q Do you know where Martin's wife was in '68 when you knew him and before you knew her? A I don't.  
Q Did he or she ever tell you where she was? A Never did, neither one of them didn't tell me.  
Q You don't know where she came from when she came to Ottawa? A No sir I don't know perfectly from her.  
Q Or from him either? A No sir I don't think he or she either ever told me.  
Q Well, what was Dave Martin and his wife doing when you knew them in Ottawa? A I don't know.  
Q Were they living there? A Just living there as any other citizens I don't know as they had any particular trade.  
Q How long did you know them up there, living there in Ottawa? A I don't know some six or eight years; I don't know how long exactly, never kept no track of it.  
Q Some six or eight years? A Yes sir, that long or maybe longer; he was a member of our church and a prominent man there.  
Q What time in '68 do you think you saw him first? A First of August, I believe it was or September, I don't know which; we used to have a day we celebrated.  
Q It was then in the summer of '68? A Yes sir.



Q You live now in Ottawa Kansas? A Yes sir.

( By Mr. Smith )

Q Where were you when the war commenced? A In Fayetteville, Arkansas.

Q Where did you go during the war? A I went several places.

Q Did you go out of the State of Arkansas? A Yes sir.

Q Where to? A Missouri.

Q Where were you when the war closed? A In Kansas.

Q Where were you when you were freed? A When I was declared freed?

Yes. A In Arkansas.

Q When was that? In '66, February, no it was in '63 when I received a message from my Captain that I was free.

Q Do you know what time in '63? A Long in January.

Q Do you know what time in January? A I don't know, I didn't care about the time all I cared was about the freedom.

Q What time did you go to Kansas? A Spring of '63, April.

Q Did you know David Martin before the war? A No sir.

Q When did you first get acquainted with him? A '66.

Q What time in '66? A August or September, we was at the celebration.

Q Where were you in '66? A I was in Pottawatomie

in Kansas? A Yes sir.

Q Where were you in '66, in Kansas? A Did I say '65.

Yes? A Well I was in Ohio City in '65.

Q Where were you in '67? A In Ottawa.

Q Have you lived there ever since? A Yes sir.

Q When did you say that Dave Martin lived there in Ottawa? A '66, I saw him there -- It has all been so long I don't exactly remember it all, I never kept no track of it.

Q You never knew nothing of him until you saw him at that celebration in '66? A No sir.

Q You don't know what date that was? A No sir, my recollection is growing very short, I don't know if it was August or September.

Q Do you know if it was either one of those months? A Yes sir.

Q Might it not have been as late as October? A No sir it wasn't October.

Q Are you sure that celebration was in '66? A Yes sir I am sure of that. What makes you sure of it? A Because I know what year it was, I know from the time I come to Kansas, I know just when I come from there to Kansas.

Q When did you come there? A 1863.

Q What month? A April.

Q How long had you been there when this celebration come up? A I lived in Linn County in '63, in Franklin in '64, and in '65 I lived in Franklin -- hold on there, let me see whether this celebration was in '65 or not -- '65, that is right.

Q Then as a matter of fact it was in '65? A Yes sir.

Q Who spoke up there? A There was no speaking there -- no stirring -- let's see there was Fuller Carter and Alice Gray and --

Q Have a man named Ransom that made a speech? A I don't know, there was so many and I never kept no track, it has been so long.

Q Now that celebration was in '67 wasn't it? A No sir it wasn't, no the first celebration we had.

Q I am talking about the one at which you met David Martin? A No sir.

Q You think it was in '66 do you? A Yes sir I recall it very well since you have brought it to my mind.

Q Do you know where David Martin was in '66? A I don't know, only I saw him in Ottawa, but I don't know where he was all the time, he is in and out, he is like a fish a spluttering and a jumping, just like a fish out of water, and he klutzes and jumps so much I can't tell where he was.

Q Then you are mistaken in saying that it was in '66 that you saw him first? A Yes sir I made a mistake there.

Q Can you state now positively that you saw him at all in '66? A No.

course I can.

Q Where did you see him? A Saw him in Ottawa.

Q But you don't know where he was all the time? A Just like I did other citizens, some days I see him and some days I didn't.

Q How long did you continue to see him there? A Saw him frequently for 6, 7 or 8 years, I don't know exactly how long.

Q Where were you living in '66? A I was living down to Ohio City, south of Ottawa.

Q How far from Ottawa? A Eight miles.

Q You were not living in Ottawa then? A My home wasn't there I worked in Ottawa I was working a team there.

Q Did you team in Ottawa in '66? A Yes sir.

Q How much of the time? A I teamed there all fall and summer, that was my occupation.

Q But your home was in Ohio City? A Yes sir.

( By the Commission )

Q You say you got acquainted with Dave Martin's wife Jane along about '67? A Yes sir after I moved to town.

Q When did you move to Ottawa? A In '67.

Q And you have made it your home ever since? A Yes sir.

Q Now according to Dave Martin's account and according to your own account he took his family away from there about '74? A (No response.)

Q Were you acquainted with his family from '67 to '74, 6 or 8 years? A Yes sir.

Q What were you doing in Ottawa during that time? A I was living there and my occupation was quarrying and hauling stone.

Q Did you belong to the same church as Dave Martin? A I did.

Q You say he was a prominent man in the church there? A Yes sir.

Q Was he living there with his family all the time for that six or seven years? A Yes sir.

Q Did you meet him regularly at church during that time? A Yes sir.

Q You don't remember his being away from there for any considerable length of time during that time? A He was away in and out.

Q Did he seem to be a man that was making that his home with his family? A That was his home, he told us though that he belonged in the Nation.

Q Was he living there pretty much of the time with his family? A Yes sir.

Q What business did he follow? A Anything he could get to do, well digging and anything he could make any money at, anything he could get to do like the rest of us poor fellows.

Q Did you ever miss him from church any great length of time? A Yes sir I have missed him considerable from church.

Q How much of the time? A I never kept track.

Q Did he impress you as a man that would stay away from his family for a long period of time? A Not a great long period of time.

( By Hastings )

Q Mr. Ewing, what the Commission wants to know is whether or not you saw Dave Martin at regular intervals and frequent intervals for the six or eight years that you say you saw him living there like any other man of that town? A Yes sir, saw him just like any other man there.

( By Smith )

Q Do you know whether in '74 Martin's wife joined the church up there? A No I don't recollect anything about her joining the church.

Q Didn't your brother and this man's wife get religion at the same time up there in '74? A Yes sir.

Q Don't you recollect him and Jane Martin getting religion about the same time? A I recollect of my brother getting religion but I thought sister Martin had religion long before that; I recollect the revival there very well.

Q When was it? A It has been so long I am not positive as to the time, it was before we built our new church.

Q Do you know whether if at this time Dave Martin was away from that

place and here in the Nation? A I think he was.  
 Q Can you tell us when that was? A The church was founded in 1887—I guess 1888, it has been so plagued long my mind is so forgetful.  
 Q Then you don't know? A I won't swear when it was.  
 ( By the Commission )  
 Q Did you visit frequently at Dave Martin's house? A Yes sir.  
 Q Do you remember how many children he had in Kansas? A No sir, I don't remember.

HORACE B. PARAMORE, called and sworn as a witness by Commissioner G. R. Breckinridge, testified as follows: ( On the part of the Cherokee Nation )

Q What is your name? A Horace B. Paramore.  
 Q How old are you? A 45.  
 Q Where do you live? A Ottawa, Kansas.  
 Q That is your post office is it? A Yes sir.  
 ( By Hastings )  
 Q What is your occupation? A My business is physician and surgeon, but I haven't been doing that for some little time.  
 Q How long have you lived in Ottawa? A Since the 28th day of March 1888.  
 Q You were quite small when you came there? A Yes sir, landed there on my sixth birthday.  
 Q Do you know this colored applicant for citizenship, David Martin? A Yes sir.  
 Q Where did you first know him? A At Ottawa.  
 Q Do you know his wife? A I used to know her, I don't know if I would if I saw her now or not.  
 Q He had a wife, did he? A Yes sir.  
 Q Where did you first know this colored man Dave Martin? A I think I got acquainted with him when he first came there, there were only a few people white or black at that time.  
 Q When was that? A Fall of '88.  
 Q How large a place was Ottawa at that time? A I don't think more than sixty or seventy-five perhaps one hundred people.  
 Q New town? A Yes sir.  
 Q You have continued to reside there ever since that time up to now? A Yes sir.  
 Q How long did you know Dave Martin and his family to reside there from when you first knew the, on up? A They resided there several years, as to the exact number of years I can't say, I don't know exactly when they left there.  
 Q You know they resided there a number of years? A Yes sir.  
 Q Did you see Dave Martin frequently? A Yes sir.  
 Q What is your best judgment as to the length of time that you saw he and his family there? A Well I should say that they lived there at least 10 or 12 years and probably more, that is the best of my judgment, 10 or 12 years at the least calculation.  
 Q Did you see him there as you would say other residents of the town? A Yes sir.  
 Q Do you remember his wife's name, or did you know that? A I can't say for certain that I do.  
 Q Do you know of his having children? A Yes sir.  
 Q Did you see them when you were there?  
 Q Do you remember any of their names? A Well, I can't swear that I do.  
 Q You know that he had children though? A Yes sir and I probably knew them at the time.  
 ( By Mr. Smith )  
 Q What are your initials? A H. B.  
 Q What business are you engaged in now? A At present I am not doing

anything for the past eight years; I loan some money and look after my property.

Q Your business is that of a physician and surgeon? A Yes sir.

Q You say you were only six years old when you went to Ottawa? A Yes sir.

Q You don't know the time positively that Martin came to Ottawa? A The exact dates?

Q You don't know the exact year? A I think it was early in the fall or late in the summer of '66.

Q Do you state that positively or not? A I do.

Q That it was in '66? A Yes sir.

Q How do you fix that date? A By conversations I have had with my folks at home, with old citizens there and with a conversation I had with Mr. Martin in Parsons on yesterday.

Q Do you fix it with with conversations you had with him or with others? A With all of them together, all agree in regard to the date.

Q You are not testifying then as to your independent recollection as to the time? A I recollect him as one of the first colored men in Ottawa.

Q Can you testify as of your own independent recollection that he came there in '66? A You have my answers which are the best that I can give you.

Q Can't you answer that yes or no? A I say yes.

Q Then you can recollect this without reference to anything that anybody told you, that it was '66 that he came there? A Yes sir.

Q And remember that it was in the fall? A I said it was either late in the summer or early in the fall.

Q If you remember it yourself and can state it from your independent recollection, why do you state anything in regard to conversations had with other people? A In the first place I wanted to be sure and when these other folks agreed with me in regard to the time I said so. After I was subpoenaed down here I talked the matter over with the people who were there, as I wanted to be sure about it. In 1865 there were no colored people in Ottawa at all and in 1866 there was four families I think moved into Ottawa and Mr. Martin was one of these families.

Q Do you remember that in the year 1865 there were no colored people in Ottawa, or is that what you have been told? A I remember it because there were only two or three families of whites there then, and no colored people at all.

Q You went there yourself in '66? A Yes sir.

Q You were then six years old? A Yes sir.

Q Do you claim that you remembered the change of the year, the ending of '65 and the beginning of '66 at that age, and that in the one year there were no colored people there and in the next year there were four families of them moved in? A Yes sir, I remember their coming there because there I came from there were no colored people.

Q Where did you live before you came to Kansas? A Ohio.

Q Might it not have been '67 instead of '66? A It might have been but I don't think it was.

( By Hastings )

Q You say you had a conversation with Martin which refreshed your memory? A Yes sir he had a conversation with me; he met me in Parsons and asked me -- no, I told him I was coming down here to testify for the Nation, and he got to discussing when he came there, and he said " In the first place I came there in August of '66 " and then she said " Hold on, it was October of that '66 "

( By Smith )

Q What did Mr. Martin say in his conversation, if anything in regard to the length of time he staid there at that time? A Well he stated that the Cherokee Nation knew that he commenced suit against them somewhere along in the 70's, I don't remember what time in '70, whether



it was in '70, '72, '4 or '6, and that their records would show the dates. He said "the records will show the date I commenced that suit. I was afraid to bring my family from Kansas to the Nation" But as to what year in the '70's I don't know - I don't know if he stated exactly the year.

( By the Commission )

Q Do you know whether Dave Martin ever voted in Ottawa or not? A No to that I can't say, I was too young to mix in politics then, if it was within the last fifteen years I could tell you.

Q From the time he arrived with his family in Ottawa until he took them away some six years afterwards, did you know him and his family as steady and consistent residents of Ottawa? A Yes sir.

Q Was he living there as a man who came there from time to time or as any other regular resident? A As a man who lived there continuously.

Q Did you ever miss him for any length of time? A No sir.

( By Smith )

Q Did he have any children at that time? A I don't know whether he had any children in the first place, he had one or two born there.

Q The children he had born there when he left there were small children were they not? A Yes sir, small children.

( Smith Ewing re-called and examined by the Commission )

Q Do you know whether David Martin ever voted up in Ottawa? A No I don't know whether he did or not,

=====

This will be filed as supplemental testimony in the case of David Martin et al., C. F. D. #485, and also in C. F. D. #485, #487, #488, #489, #490, #491, and #492.

\*\*\*\*\*

Chas. von Weise, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full, all the proceedings in the above case and that the foregoing is a full, true and correct transcript of his stenographic notes therein

*Chas. von Weise*

Subscribed and sworn to before me this the 3rd of October, 1901.



Commissioner.



8

0 # 10485

COMMISSIONER TO

FILED  
OCT 1 1901

ACTING CHAIRMAN

File with Mary I. Look, S. F. D. 901.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I. T. October, 15th 1901.

In the matter of the application of Thomas Archer, C. F. D. 901.

Appearances:

James S. Davenport for the Cherokee Nation;  
Mellott & Smith for the applicant.

CLEM V. ROGERS, being first duly sworn by Com'r T. B. Needles,  
testified as follows on the part of the Cherokee Nation:

( By Davenport )

Q What is your name? A Clem V. Rogers.

Q Where do you live? A Claremore.

Q What is your age? A 63.

Q How long have you lived in the Cherokee Nation? A All my life  
except during the war.

Q Do you know the applicant Thomas Archer? A Yes sir.

Q How long have you known him? A Since '80.

Q Where was he when you first saw him to know him? A Steensmoowe  
district.

Q Where were you in '67? A Fort Gibson.

Q Did you have anything to do with the Roger's Salt Works on Grand  
river in '67? A No sir.

Q Did you go there yourself or with anyone else in '67 and take them  
away from Thomas Archer or any other person? A No sir, in '67 I was  
freighting.

Q Did you ever drive him or any one else away from them? A No sir.

( By Mr. Smith )

Q There are several gentlemen that are Cherokee citizens by your name  
are there not? A Yes sir.

Q It is a right prominent name in the history of the Cherokee Nation?  
A Yes sir.

Q If Thomas Archer testified that you took the salt works away from  
him he was mistaken about that? A Yes sir.

Q You don't know when he came back? A No sir.

Q Did you know him before the war? A I don't know that I did.

( By Davenport )

Q There was only one Clem Rogers in the Cherokee Nation in '67 that  
was a grown man? A I didn't know of any other at that time, there  
is several now.

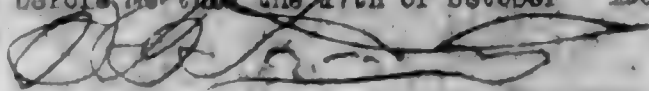
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This will be filed in Cherokee Freedman's cases, D-901; D-1003; D-487;  
D-497; D-486; D-484; D-488; D-489; D-490; D-491; D-828; D-850; D-564;  
and D-568.

\*\*\*\*\*

Chas. von Weise, being first duly sworn, states that as stenographer  
to the Commission to the Five Civilized Tribes he reported in full  
all the proceedings in the above case and that the foregoing is  
a full, true and correct transcript of his stenographic notes therein

Subscribed and sworn to before me this 17th of October 1901.



Commissioner.

no one could be so stupid as to believe that a single man could do all the work of a whole nation.

The only way to get the work done is to have a whole nation of men who are all working together.

And that is the only way to get the work done is to have a whole nation of men who are all working together.

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DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE DISTRICT OF COLUMBIA  
FILED  
OCT 10 1901

Department of the Interior  
Commission to the Five Civilized Tribes,  
Vinita, I. T. October, 25th, 1901.

Supplemental testimony in the matter of the application of David Martin. O. F. D. 485.

Appearances:

James S. Davenport for the Cherokee Nation.  
Mellette & Smith for the applicant.

W. C. HARFORD being first duly sworn by Court T. B. Hedden, testifies as follows on the part of the Cherokee Nation.

( By Davenport )

Q What is your name? A W. C. Harford.

Q Where do you live? A Ottawa, Franklin County, Kansas.

Q How old are you? A 44.

Q How long have you lived in Ottawa, Kansas? Since 1885.

Q Since you have been living in Ottawa, Kansas, did you become acquainted with a colored man named David Martin? A Yes sir.

Q When did you become acquainted with him? A In the summer of '67.

Q Have you seen the gentleman since you came down here? A Yes sir I met him on the street.

Q How long after you became acquainted with him did David Martin reside at Ottawa or near there, or about how long? A David Martin lived at Ottawa and left there about 21 years ago, 20 or 21 years ago, and from the time he came there he was there off and on all the time, I missed him for a while and saw him for a while, he would be gone a good deal, where he was I of course don't know.

Q Did he have a family there? A Yes sir.

Q You say you met him this morning? A Yes sir.

Q Did you recognize him as the David Martin that you knew up there? A Yes sir, I did.

Q Did he recognize you? A He didn't for a while, after he studied he finally made up his mind who I was.

( By Smith )

Q What time did you first know David Martin? A To the best of my knowledge it was in '67; I got acquainted with David Martin when I had been there a couple of years.

Q How old were you then? A I guess I was about 11 years old.

Q How old was David Martin then? A I don't know.

Q Was he a man? A Yes sir he was a man grown when he came there.

Q You are not sure as to the year you met him in? A I can't positively swear as to the year, I know he came there about a year and a half or two years after I came.

Q That is as long as you can remember after that length of time? A Yes sir.

Q You say he was there part of the time and the other part of the time you missed him? A Yes sir, probably I would see David Martin every couple of months or so.

Q You didn't see his family? A Yes sir.

Q Where? A In Ottawa there, I knew one of his daughters, the oldest one.

This will be filed in the original case and also in O. F. D. 485 and the sub-references thereto.

Chas. von Kaise, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above case and that the foregoing is a true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this 24th of October, 1901.

*W. C. Harford*  
Commissioner



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THE CIVILIZED TRIBES

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Department of the Interior,  
Commission to the Five Civilized Tribes.  
Muskegee, I. T., February 18, 1902.

In the matter of the application of Thomas Archer for the  
enrollment of himself and wife as Cherokee Freedmen:

Appearances:

Kellette & Smith, Vinita, I. T., for applicants;  
James S. Davenport, attorney for Cherokee Nation:

TESTIMONY IN BEHALF OF CHEROKEE NATION.

HAYWOOD ROWE, being sworn and examined, testified as follows:

Examined by James S. Davenport:

- Q What is your name ? A Haywood Rowe.  
Q Where do you live ? A In the Cherokee Nation, Cooweescoowee District.  
Q What is your post office ? A Tallala.  
Q How long have you lived in the Cherokee Nation ?  
A I was raised here.  
Q How long have you lived in the Cooweescoowee District ?  
A About 26 years.  
Q Do you know a colored man by the name of Thomas Archer ?  
A Yes sir.  
Q How long have you known him ? A I have known him for 20 years, I guess.  
Q Where were you living when you first got acquainted with him ?  
A At Clem Rogers.  
Q In what district ? A Cooweescoowee district.  
Q Where was Thomas Archer living at that time ? A Coffeyville.  
Q About how long has that been ? A Over 20 years.  
Q When you say Coffeyville what do you mean ?  
A Coffeyville, Kansas.  
Q About how long did he live there after you got acquainted with him ? A I don't know just how long.  
Q Did he have a family at that time ? A Yes sir.  
Q Do you know whether he had any children ? A Yes sir, I think he had one or two.  
Q He had a wife ? A Yes sir.  
Q Do you know whether or not that wife is living ? A She's dead.  
Q Where were they living ? A Coffeyville.  
Q Coffeyville, Kansas, you mean ? A Yes sir.  
Q About how long did he live in Coffeyville, Kansas, after you got acquainted with him; did he remove to the Cherokee Nation ?  
A I don't remember; he lived there quite a while.  
Q He lives now somewhere in the Cherokee Nation ? A Yes sir.  
Q Has he married the second time ? A Yes sir, I think he married old Mrs. Little's daughter.  
Q What is Little's first name ? A I know the name but am not well acquainted---  
Q Was it Grandison Little ? A Yes sir.  
Q The one that lived near Lenepah ? A Yes sir.  
Q You never knew Tom Archer until after he removed from the Cooweescoowee District ? A Yes sir.  
Q When you first knew him he was living in Coffeyville, Kansas ?  
A Yes sir.  
Q Was he keeping house there ? A Yes sir.  
Q He lived there until after his wife died ? A Yes sir.  
Q Do you remember her name ? A Think her name was Dilsey.  
Q Where was she buried ? A Coffeyville, Kansas.

Examined by Mr. Smith:

Rey

- Q How old are you Rewe ? A Oless to 45 years old.  
 Q How long have you lived in the Cherokee Nation ?  
 A Was born and raised in the Cherokee Nation.  
 Q You don't remember the commencement of the war ? A No sir.  
 Q You don't have any recollection, or you don't know whether this applicant, Thomas Archer, was a soldier in the service of the United States during the war ? A Don't know anything about it.  
 Q You don't know where he was in 1873 ? A No sir.  
 Q You don't know when or where he was mustered out of the service ? A No sir.  
 Q Have no recollection of the man following the year of the war; 1866 ? A No sir.  
 Q You don't know where Thomas Archer was until you got acquainted with him 20 years ago ? A No sir.  
 Q How far is Coffeyville, Kansas, from the Indian Territory line? A They call it two miles; right along there.  
 Q A good many of the people who live in Coffeyville have farms in the Indian Territory do they not ?  
 Q Yes sir.  
 Q You say you think Archer had some children; how old were they when they were living in Coffeyville ?  
 A I don't know how old they were; they were small children.  
 Q Do you know how many he had ? A It seems to me there were 2.  
 Q Don't you know he had a farm and worked in the Cherokee Nation during the time he lived in Coffeyville ? A No sir.  
 Q You don't know that he didn't have ? A No sir, don't know that he didn't have.  
 Q Is that all you knew about this matter ? A Yes sir that's all I know about it.

(The rolls of 1880 and of 1896 examined and names of applicants do not appear thereon)

The Commission: This testimony will be filed and made a part of the record in the following Cherokee Freedmen cases:

D 1002; D 495; and the present case.

R. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he accurately recorded the testimony and proceedings had in the above entitled cause, and that the above and foregoing is an accurate transcript of his stenographic notes thereof.

*R. C. Bagwell*

Subscribed and sworn to before me this 20 day of February, 1902

*[Signature]*

Commissioner.

720485

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED  
MAY 22 1902



ACTING CHAIRMAN

*To Be Filed with F.D. 485.*

F. D.-486.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., April 28, 1902.

In the matter of the application of David Martin et al for  
enrollment as a Cherokee Freedman, D-486.

Applicants represented by Mellette & Smith.  
Cherokee Nation represented by J. S. Davenport.

HATTIE DRAKE, being first duly sworn, testifies as follows:

MR. DAVENPORT: What is your name? A Hattie Drake.  
Q Where do you live Mrs. Drake? A I live in Lawrence Kansas.  
Q Did you ever live at Ottawa, Kansas, did you get acquainted  
with a colored man by the name of David Martin? A Yes sir.  
Q Well, do you know where they were living? A I don't know the  
street but they lived about a block away from me.  
Q How long did they live there in Ottawa, Kansas, to your knowl-  
edge, or near you in Ottawa Kansas? A Well, lived there, I  
don't just exactly know how long, but they lived in Ottawa, but  
I lived there well I will say sixteen or eighteen months, close  
to there.  
Q Close to them? A Yes sir.  
Q Well have you seen the David Martin that you knew there in  
Ottawa, Kansas, since you came down here? A Yes, sir, there he  
is; just now shook hands with him.  
Q When was that before you were grown or after you were grown?  
A It was after I was married.  
Q After you were old enough to marry? A Yes sir.  
Q Your name was what then? A My name was Wilson, I married  
a man by the name of Levi Wilson.  
MR. MELLETTE: How long did you say you lived in Ottawa?  
A Lived in Ottawa about ten years.  
Q You say you knew them there about eighteen months? A No, sir,  
I didn't say I knew them sixteen or eighteen months; I said I  
lived close to Mr. Martin about sixteen or eighteen months.  
Q Well how long did you know him? A Oh, I knowed him, I don't  
know how long just exactly, I knowed him that long and longer, but  
then I don't just know how much longer.  
Q You don't know how much longer? A No, sir.  
Q Did he live there all the time while you lived there at Ottawa?  
A No, sir.  
Q When did you first get acquainted with him, what year? A Well,  
if I mistake not it was in '72, I was married in '72, and I moved  
to Ottawa in about four days after I was married.  
Q Well where was Dave Martin in '66? A I don't know.  
Q '67? A I don't know whether he was there in Ottawa in '67  
or not, I don't know; I can't tell you just the dates.  
Q The first time you ever remember of seeing him was in say '72  
or '73? A Yes, sir, along in that time, Mr. Martin was one of  
the first—  
Q You don't know whether he had lived in the Indian Territory  
and was backwards and forth to the Indian Territory or not, do you?  
A No, sir, I don't know nothing about that.  
Q Don't know anything about that do you? A No, sir.

COMMISSION: This testimony will be filed with and made a part  
of the record in the following Cherokee Freedmen cases:  
D-485, D-792, and D-486, the case at bar.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger.

Subscribed and sworn to before me this 30th day of April, 1902.

Philip G. Reuter.  
Notary Public.

I, Margaret Crutsinger, being first duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes I made the foregoing copy and that the same is a true and complete copy of the original transcript.

*Margaret Crutsinger*

Subscribed and sworn to before me on this 20 day of May, 1902.

*Philip G. Reuter*  
Notary Public.



(COPY)

Freed. D 800

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I.T., May 31, 1902.

In the matter of the application of PERRY ADAMS for  
enrollment as a Cherokee Freedman.

Applicant appears by Mellette A. Smith;  
Cherokee Nation, by W. W. Hastings;

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Meses Whitmire, Trustee for the Freedmen, vs. The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F.D. 490, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

David Martin, D 486;  
Vinnie Martin, "

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decrees, because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified

in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decrees of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District Indian Territory.

MR. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decrees already referred to

In the case of Moses Whitmire, trustee, vs. Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W.W.Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of the attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

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The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

( Signed ) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

( Signed ) P.G. Reuter,

(SEAL)

Notary Public

-----  
I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing

is a true and perfect copy of the original testimony in the above  
entitled cause as filed with the Commission, which copy was made  
by me.

(Signed) E. C. Segrell

Subscribed and sworn to before me this July 29, 1902.

(SEAL)

(Signed) F. G. Reuter,  
Notary Public

INDORSEMENTS.

P. B. 496.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

P. B. 496.

Aug. 1, 1902.

True Right

Sitting Chairman.

Lucy M. Bowman, being under oath, states that as stenographer to  
the Commission to the Five Civilized Tribes, she made the above  
and foregoing copy, and that the same is a full true and correct  
copy of a document on file with the Commission.

*Lucy M. Bowman*

Subscribed and sworn to before me this 8th day of September, 1904

*W. H. Martin*  
Notary Public

307

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of David Martin et al.  
for enrollment as Cherokee Freedmen, consolidating the applications  
of

|                         |                         |
|-------------------------|-------------------------|
| David Martin et al      | Cherokee Freedmen D 486 |
| Mary A. Leek            | Cherokee Freedmen D 485 |
| Josie Looney et al      | Cherokee Freedmen D 487 |
| Eliza Manuel            | Cherokee Freedmen D 488 |
| William H. Martin et al | Cherokee Freedmen D 489 |
| Fred Peterson et al     | Cherokee Freedmen D 490 |
| Lourena Rowe et al      | Cherokee Freedmen D 497 |
| Charity Taylor          | Cherokee Freedmen D 491 |

D E C I S I O N.

The record herein shows that applications for enrollment, as Cherokee Freedmen, were made to this Commission by David Martin for himself; by Mary A. Leek for herself; by Josie Looney for herself and her minor children, Clarence, Coral, William, Julia, Georgia F. and Wayne Looney; that subsequent to the date of her original application a birth affidavit, which is made a part of the record herein, was filed with this Commission showing the birth of her child, Jettie Looney, on August 23, 1902; by Eliza Manuel for herself; by William H. Martin for himself and his minor children, Captola, Amanda and Charles A. Martin; that subsequent to the date of his original application a birth affidavit, which is made a part of the record herein, was filed with this Commission showing the birth of his child, Bunk Roscoe Martin, on November 16, 1901; by Fred Peterson for himself and his minor child, Mary T. Peterson; by Perry Rowe for his wife, Lourena Rowe, and his minor children, Inola and Aleck Rowe; that subsequent to the date of his original application a birth affidavit, which is made a part of the record herein, was filed with this Commission showing the birth of his child, Elizabeth Rowe, on April 10, 1902; and by Charity Taylor for herself. The applications of the said David Martin, William H. Martin and Fred Peterson also included their wives, Jane Martin, Carrie Martin and Lena Peterson, respectively, who claim right to enrollment as Cherokee Freedmen by intermarriage, but as the status of such claimants by intermarriage is not fixed at this time, the said Jane Martin, Carrie Martin and Lena Peterson are not embraced in this decision. The testimony taken in the case of Thomas Archer Cherokee Freedmen D 901, is filed with and made a part of the record herein.

The evidence shows that the said David Martin was the slave of a Cherokee citizen at the commencement of the rebellion; that during said rebellion he left the Cherokee nation and did not return and take up his residence therein until after February 11, 1867. All the other applicants herein were born since the commencement of the rebellion and are descendants of, and claim right to enrollment through, the said David Martin.

None of the names of the applicants herein are found on the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the applications for the enrollment of David Martin, Mary A. Leek, Josie Looney, Clarence Looney, Gerai Looney, William Looney, Julia Looney, Georgia F. Looney, Wayne Looney, Jettie Looney, Eliza Manuel, William H. Martin, Captola Martin, Amanda Martin, Charles A. Martin, Bunk Roscoe Martin, Fred Peterson, Mary T. Peterson, Laurens Rowe, Inola Rowe, Aleck Rowe, Elizabeth Rowe and Charity Taylor, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED,

*Tame Dixby.*

Chairman.

SIGNED,

*T. B. Needles*

Commissioner.

*C. H. Brown*

Commissioner.

*J. E. Stearns*

Commissioner.

Dated at Muskogee, Indian Territory,

this MAR - 5 1900.



No. D

INDIAN TERRITORY,  
CHEROKEE NATION.

I hereby certify that I served the within  
notice on

by delivering a true copy thereof on the  
day of A. D. 1901

Given under my hand this  
day of A. D. 1901.

Marshal for the Cherokee Nation.

I, the undersigned attorney for the  
within named applicant hereby accept  
service of the within notice on this the  
day of , 1901.

Attorney for applicant.

UNITED STATES OF AMERICA, }  
INDIAN TERRITORY, } s. s.  
NORTHERN DISTRICT.

I do solemnly swear that I delivered a  
true copy of the within notice to

on the day of A.D. 1901

Subscribed and sworn to before me  
this day of A.D. 1901.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

SEP 21 1901

ACTING CHAIRMAN

SEP 19 1901

# NOTICE!

IN THE MATTER OF the application of Mary Leek  
for enrollment as a Cherokee citizen:

Case No. D. 485

To Mary Leek Newata I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory.  
Indian Territory, on Oct. 24 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 16 1901

L. B. Bell  
Er. J. H. H.  
Attorneys for the Cherokee Nation.

# AFFIDAVIT.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
NORTHERN DISTRICT. } SS

In the matter of the application of Mary  
Lerk for enrollment as a Cherokee Freedman.

No. F. D. 483.

Henry Pack, of lawful age, being duly sworn on  
oath states that on the 16 day of September, A. D., 1901, he registered  
to Mary Lerk whose postoffice is Nowata  
Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto  
attaches the receipt of the Postmaster at Fort Gibson Indian Territory;  
and that on the 21 day of September, 1901, he received the return  
card which is hereto attached, signed by the said Mary Lerk, showing  
that he had received said notice.

Henry Pack  
Subscribed and sworn to before me on this the 21 day of Sept, A. D. 1901.

J. C. Glass  
Notary Public.

COPY.

Cherokee Freedman  
D-485.

Muskogee, Indian Territory, March 28, 1904.

Mary A. Leak,

Nowata, Indian Territory.

Dear madam:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself as a Cherokee freedman, together with a copy of the Commission's decision, dated March 8, 1904, rejecting, among others, your said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

*J. M. Needles.*

Register.

Enc. D-87.

Commissioner in Charge.

COPY.

Cherokee Freedmen  
D-400 et al.

Wannago, Indian Territory, March 20, 1904.

The Honorable

The Secretary of the Interior.

SIR:

There is herewith transmitted the record of proceedings had in the consolidated case of David Martin, et al., including the Commission's decision, dated March 8, 1904, rejecting the applications for the enrollment of David Martin, Mary A. Lock, Josie, Clarence, Gerai, William, Julia, Georgia F., Wayne and Fattie Loney, Elias Manuel, William K., Captain, Amanda, Charles A., and Buck Fessie Martin, Fred and Mary T. Peteresen, Lawrence, India, Alack and Elizabeth Rose and Charity Taylor as Cherokee freedmen.

Respectfully,

Through the  
Commissioner of Indian Affairs.

Commissioner in Charge.

Enc. 1-20.



copy.

Cherokee Freedmen  
D-486 et al.

Hastings, Indian Territory, March 25, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, in the consolidated case of David Martin et al., rejecting the applications for the enrollment of David Martin, Mary A. Leck, Jennie, Clarence, Ceral, William, Julia, Georgia W., Wayne and Feltie Leeway, Eliza Munnal, William H., Captala, Amanda, Charles A. and Benk Roscoe Martin, Fred and Mary E. Petersen, Lawrence, Imola, Aleck and Elizabeth Rowe and Charity Taylor as Cherokee Freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Enc. D-94.

Commissioner in Charge.

Y. F.

702

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

I.T.D. 4494-1904.  
D. C. 10445-1904.

August 15, 1904.

Commission to the Five Civilized Tribes,  
Washoe, Indian Territory.

Gentlemen:

March 25, 1904, you transmitted the record in the consolidated Cherokee Freedmen case of David Earlin, et al (D-464), including your decision dated March 4, 1904, rejecting the applicants.

Reporting in the matter under 13, 1904, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Theo Ryan,

Acting Secretary.

1 Inclosure.

The other applicants' sole title is enrollment is based on that of David Martin.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

T. A. Jones,

Commissioner.

M.E.H.  
W.

Refer in reply to the following:  
Land. 21947-1904.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, August 13, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated March 26, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen, by David Martin for himself; by Mary A. Leek for herself; by Jessie Looney for herself and her minor children, Clarence, Coral, William, Julia, Georgia F., Jettie and Wayne Looney; by Eliza Manuel for for herself; by William H. Martin for himself and his minor children, Captola, Amanda, Charles A. and Bunk Roscoe Martin; by Fred Peterson for himself and his minor child, Mary T. Peterson; by Perry Rowe for his wife, Laurena Rowe, and his minor children, Inola, Aleck and Elizabeth Rowe.

March 8, 1904, the Commission decided adversely to the applicants.

The record shows that the principal applicant, David Martin, was the slave of a Cherokee citizen, and escaped from his master prior to the war and did not return to the Cherokee Nation prior to February 11, 1867.

COMMISSIONERS:

TAMM BERRY,  
THOMAS B. NEEDLES,  
C. E. BRUCEWRIGHT

WM. O. BEALL,  
Secretary.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

1789

|                                 |
|---------------------------------|
| NOTE IN REPLY TO THE FOLLOWING: |
| Cherokee Freedmen               |
| D-485.                          |

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, August 29, 1904.

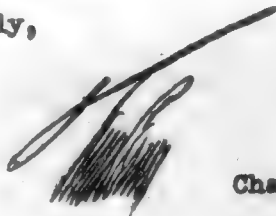
Mary A. Leek,

Nowata, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision, dated March 5, 1904, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on August 18, 1904.

Respectfully,



Chairman.



COPY.

Cherokee Freedmen

D-485.

Muskogee, Indian Territory, August 29, 1904.

Mary A. Leek,

Nowata, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision, dated March 5, 1904, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on August 18, 1904.

Respectfully,

(SIGNED) *James Bixby.*  
Chairman.

COPY.

Cherokee Freedmen  
2-422-423-424-425-  
-426-427-428-429.

Hastings, Indian Territory, September 1, 1904.

Hastings, Hall & Desmarest,  
Attorneys for the Cherokee Nation,  
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commissioner's decision, dated March 2, 1904, rejecting the applications for the enrollment of David Martin; Mary A. Lock; Jennie, Clarence, Sarah, William, Fannie, Georgia F., Volney and Fannie Leoney; Eliza Emanuel; Fred and Mary T. Peterman; Charity Taylor; William H. Captela; Amanda; Charles A. and Hank Monroe Martin; Lawrence; Inola, Alonah and Elizabeth Howe as Cherokee freedmen, was affirmed by the Secretary of the Interior on August 10, 1904.

Respectfully,

SIGNED: *Tams Birby.*  
Chairman.

-COPY-

N.C.Y.  
Y. P.  
L.R.

DEPARTMENT OF THE INTERIOR,

WASHINGTON,

D. C. 43890-1904.  
I.T.D. 6494-1904.  
221-1905.

LRS

September 12, 1905.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

The Department has considered a motion to reopen the Cherokee freedman case of David Martin et al, in which case the Department on August 18, 1904, affirmed the decision of the Commission to the Five Civilized Tribes, rejecting the applicants.

The motion for review is filed by the attorneys for the applicants, and is based on the ground that the former decisions are contrary to the law governing such cases and is not warranted by the facts as shown by the record. With said motion is filed the affidavits of Daniel Tucker and Fred Martin.

Considered in connection with the record the motion and affidavits submitted are not sufficient to justify the Department in reopening the case. The motion is therefore denied, and you will so notify the proper parties.

The motion is inclosed herewith.

Respectfully,

(Signed) Thos Ryan  
Acting Secretary.

1 inclosure.

**Cherokee Freedmen**

**B-445, et al;**

**Huskaga, Indian Territory, September 22, 1908.**

**Hall, Hastings & Devanport,**

**Attorneys for the Cherokee Nation;**

**Huskaga, Indian Territory.**

**Gentlemen:**

You are hereby advised that this office is in receipt of Departmental letter of September 13, 1908, denying the motion of Blue & Bulger to have reopened the Cherokee Freedmen enrollment case of David Martin, et al., (C.F.B-445-4-6-7-8-9-10-11).

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

LB

Acting Commissioner.

Incl. 3-25

Cherokee Freedmen

R-444.

Muskogee, Indian Territory, September 22, 1906.

Mary A. Lock,

Nowata, Indian Territory.

Dear Madam:

You are hereby advised that this office is in receipt of Departmental letter of September 13, 1906, in which the motion, filed on your behalf, to have reopened the Cherokee freedmen enrollment case of yourself, et al., is denied.

Respectfully,

LS

Acting Commissioner.



Cherokee Freedmen

B-448, et al.

Muskogee, Indian Territory, September 22, 1906.

Blus & Bulger,

Attorneys for David Martin, et al.

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that this office is in receipt of Departmental letter of September 12, denying your motion to have reopened the Cherokee Freedmen enrollment case of David Martin, et al.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

12

Acting Commissioner.

Incl. B-24

REPLY TO THE FOLLOWING:  
**Cherokee Freedmen**

**H-444.**

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, September 22, 1905.

Mary A. Leek,

Newata, Indian Territory.

Dear Madam:

You are hereby advised that this office is in receipt of Departmental letter of September 13, 1905, in which the motion, filed on your behalf, to have reopened the Cherokee freedmen enrollment case of yourself, et al., is denied.

Respectfully,

*W. O. Beall*

Acting Commissioner.

D. C. 52011-1906.

I.T.D. 14844-1906

L R 8

( C O P Y )

J.W.H.  
WHE

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

November 18, 1906.

Commissioner to the Five Civilized Tribes  
Muskogee, Indian Territory.

Sir:

You are advised that a motion to reopen the Cherokee freedman enrollment case of David Martin, et al., has been filed in the Department.

See departmental letter of September 13, 1905, to you.

Respectfully,

(Signed) THOS RYAN

First Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

D. C. 52744-1905.  
I.T.D.14844-1905.  
LRS

(COPY)

J.W.H.  
FHE.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

November 18, 1905.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

The Department is in receipt of a letter dated October 30, 1905, addressed to the Attorney General of the United States, from William H. Martin, of Vann, Indian Territory. This letter is in the nature of a motion for rehearing in the matter of the Cherokee freedman case of David Martin, et al., to which the said William H. Martin is a party applicant.

Neither this motion nor the affidavits filed in support of it bear evidence of service upon the attorney for the Cherokee Nation. Accordingly, all the papers filed with Mr. Martin's letter are inclosed herewith to be returned to him.

He asks to be advised what further steps should be taken to secure his enrollment. From the records of the Department it appears that a decision adverse to the applicants in the case of David Martin et al., was rendered by the Department August 18, 1904. A motion to reopen this case was denied by the Department September 13, 1905. The Department finds that the motion now under consideration does not warrant a reopening of the case;

said motion is accordingly denied.

In advising Mr. Martin hereof it is requested that you explain to him carefully the requirements with which he must comply if he submits a motion for rehearing in his case or for review of the Department's action therein.

Reference is here made to Departmental letter of November 15, 1905, relating to this case.

Respectfully,

(Signed) Thos Ryan.  
First Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

3 inclosures.



Cherokee Freedmen

N-448.

Huskogee, Indian Territory, December 1, 1905.

William H. Martin,

Wann, Indian Territory.

Dear Sir:

In connection with the Cherokee Freedmen enrollment case of yourself, et al., you are advised that this office is in receipt of Departmental letter of November 18, referring to a communication from you, dated October 30, 1905, addressed to the Attorney General of the United States, in the nature of a motion for rehearing in the matter of the Cherokee Freedmen case of David Martin, et al., to which you are a party applicant. You are advised that the motion is denied by the Department for the reason that neither it nor the affidavits filed in support of it bear evidence of service upon the attorneys for the Cherokee Nation, and for the further reason that the Department finds that the motion does not warrant a reopening of the case.

You are further advised that it has been the practice of the Department to only grant motions for review, or for reopening of Cherokee enrollment cases, where it is shown that the decision was contrary to the law and evidence, or where new evidence has been discovered that is material to the case and would probably change the status of the applications for enrollment.

If you can point out wherein the decision of the Department in rejecting your application for the enrollment of yourself, et al., as Cherokee freedmen is erroneous, you may file a motion for review of Departmental decision referred to, and the same will receive due consideration. If you are in possession of newly discovered evidence that is material to your case, you may advise this office of the same, stating in detail all the facts you can establish in the event of a reopening of your case and have your motion supported by affidavits of the witnesses whose testimony you desire to introduce, indicating therein fully the facts to which they will testify, evidence of service on the attorneys for the Cherokee Nation of copies of all papers filed to be furnished, and the same will be forwarded, with recommendation, for the consideration of the Secretary of the Interior.

The motion filed by you with papers attached are returned herewith.

Respectfully,

Incl. 8-8

Acting Commissioner.

( C O P Y )

Land  
6138-1906

DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS  
WASHINGTON.

February 12, 1906.

The Honorable,

The secretary of the Interior.

Sir:

On January 8, 1906, the department referred to the Commissioner to the Five Civilized Tribes, for report and recommendation, a communication from Jessie Looney, dated December 27, 1905 asking that the Department order her enrollment and that of her children.

I now have the honor to enclose a communication from the Commissioner to the Five Civilized Tribes, dated January 17, 1906, in which he says that Mrs. Looney evidently refers to Cherokee freedman enrollment case of herself and children; that on March 5, 1904, the Commission to the Five Civilized Tribes rejected the application of Jos ie Looney for the enrollment of herself and her children, Clarence, Coral, William, Julia, Georgia F., Wayne, and Jettie Looney as Cherokee freedmen, which decision was affirmed by the Department on August 18, 1904, I.T. D 6494; that on September 13, 1905, I.T.D. 881, and on November 18, 1905, I.T.D. 14844, the department informed him that motions for a reopening of the case had been denied. He says the style of

the case is David Martin et al., Cherokee freedman D-486, and that there appears to be nothing contained in the letter of Josie Leoney which was not considered in connection with her application for enrollment.

It is recommended that Mrs. Leoney be advised in accordance with what is said in the Commissioner's report, which is borne out by the records of this office.

Very respectfully,

E. F. Larrabee,

Acting Commissioner

GAW-GH

D.C.20246

J.W.H.

DEPARTMENT OF THE INTERIOR,

I.T.D.6494-1904.

WASHINGTON.

FHE

8533-1905

8723- "

May 19, 1906.

2552-1906.

LRS

The Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

Referring to your report of January 17, 1906, there are inclosed herewith two motions for reconsideration of the Cherokee freedman case of David Martin, et al. These motions were filed with the Department September 7, 1905; the first (I.T.D.8533-05) relates to all of the applicants in the case; the second(I.T.D. 8723-05) relates particularly to the case of Josie Looney, et al, which was consolidated with the said case of David Martin et al. Although a motion for a rehearing was denied November 18, 1905, in the Martin case, it does not appear that action has ever been taken on the inclosed motions. They are accordingly transmitted to your office in order that record therein of their filing may be made, to be returned thereafter with your recommendation. See enrollment sections of act of April 26, 1906 (Public No.129).

A Copy of Indian Office letter of February 12, 1906 (Land 6138-06, is inclosed.

Respectfully,

Jos. E. Wilson,

Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

3 inclosures.



Muskogee, Indian Territory, August 4, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

This office is in receipt of Departmental letter of May 19, 1906 (I.T.D. 6494-1904, 8533, 8723-1905, 2552-1906), enclosing two motions for reconsideration of the Cherokee Freedmen consolidated case of David Martin et al. You state that said motions were filed with the Department September 7, 1905; that the first (I.T.D. 8533-1905), relates to all of the applicants in the case; that the second (I.T.D. 8723-1905), relates particularly to the case of Josie Looney et al., which was consolidated with the case of David Martin et al., and that although a motion for a rehearing in the Martin case was denied November 18, 1905, it does not appear that action has ever been taken on the enclosed motions. They are transmitted to this office in order that proper record of their filing may be made, to be returned with this office's recommendation.

These motions for review are two of the 311 motions filed with the Department September 7, 1905, the filing of which this office was advised January 15, 1906 (I.T.D. 8297, 8337 to 8957 inclusive--odd numbers -- 1905, 460-1906).

Secretary-2.

All of the applicants included in these motions for review except Fred Martin and Eliza Looney, are embraced in the decision of the Commission to the Five Civilized Tribes dated March 5, 1904, in the Cherokee freedmen consolidated case of David Martin et al. D 486, et al. (now R 445 et al.), which decision was on August 18, 1904 (I.T.D. 6494-1904), affirmed by the Department.

In view of the provisions of the Act of Congress approved April 26, 1906 (Public No. 129) relative to the return to the Cherokee Nation of Cherokee freedmen, it is respectfully recommended that the motions so far as they relate to the applicants in the Martin case, be denied.

The Department, on September 13, 1905 (I.T.D. 881-1905) and November 18, 1905 (I.T.D. 14844-1905), denied motions for the reopening of this case.

The records of this office further show that the decision of the Commission to the Five Civilized Tribes dated March 5, 1904, rejecting, among others, the application for the enrollment of Eliza Looney D 537- R 658, which application was embraced in the Cherokee freedmen consolidated case of Esau Fox et al., D 508 et al., was affirmed by the Department on August 31, 1904 (I.T.D. 6756-1904). For the reasons above stated it is also recommended that said motions, so far as they relate to the case of Eliza Looney, be denied.

Secretary-3

The decision of the Commission to the Five Civilized Tribes rendered May 13, 1905, rejecting the applicants in the Cherokee freedmen consolidated case of Lewis Martin et al., D 289 et al., which case included the application of Fred Martin, was on May 13, 1905, forwarded to the Department, where it is now pending. No reason appears for the granting of said motions so far as they relate to the case of Fred Martin, and it is respectfully recommended that the same be denied.

Reference is made to two Departmental letters of May 2, 1906 (I.T.D. no number, I.T.D. 8347 .... 8705-1905), relating to the 311 motions for review herein referred to. Proper notations of the filing of these motions have been made upon the records of this office, and the same are returned herewith.

Respectfully,

Commissioner.

Through the Commissioner  
of Indian Affairs.

L M B  
Encl. B-30

( COPY )

DEPARTMENT OF THE INTERIOR, LLB  
WASHINGTON.

G. R.

L.R.S.

I.T.D. 6494-1904.

November 3, 1906.

881-1905.

8533- "

8723- "

7757-1906.

12563- "

12623- "

15390- "

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:-

The Department has carefully considered, in connection with the record, motions for reopening the consolidated Cherokee freedman case of David Martin et al., filed September 7, 1905 (I.T.D. 8533, 8723), and June 23, 1906 (I.T.D. 7757), on behalf of Josie Looney et al.

The principal applicant, David Martin, a former slave of a Cherokee citizen, from whom he escaped and scouted in the woods of the Indian Territory until the outbreak of the civil war, when he joined the army and afterwards became a resident of the State of Kansas, is not shown to have actually returned and established a personal bona fide residence in the Cherokee Nation on or before February 11, 1867, as required by section 3 of the act of Congress approved April 26, 1906, (34 Stat., 137).

The Department sees no reason to disturb its decision of August 18, 1904 (I.T.D.6494), denying the application for the enrollment of any applicant claiming through the said David Martin, as do the moving parties herein. The Department still adheres to its decision of August 18, 1904, adverse to such applicants, and said motion for a reopening and reconsideration is hereby denied.

You will advise moving parties and their attorneys of this action.

The record has this day been returned for the files of the Indian Office.

Respectfully,

(Signed) E. A. Hitchcock,

Secretary.

Through the Commissioner  
of Indian Affairs.

7 inclosures.



REFER IN REPLY TO THE FOLLOWING:

Cherokee Freed.

B-444.

DEPARTMENT OF THE INTERIOR.  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 14, 1906.

Mary A. Leek,

Nowata, Indian Territory,

Dear Madam:-

You are hereby advised that motions for rehearing of your Cherokee freedman case, filed by your attorneys September 7, 1905, were denied by the Department November 3, 1906.

Respectfully,

  
Commissioner.

Cherokee Freed.  
B-444, et al.

Wankagus, Indian Territory, November 14, 1904.

Miss A. Bulger,

Attorneys for David Martin and others.

Baxter Springs, Kansas.

Gentlemen:-

You are hereby advised that your motions filed September 7, 1905, and June 23, 1906, for a rehearing in the Cherokee freedmen cases of Davis Martin, et al. and Jessie Leoney, et al., were denied by the Department November 3, 1906.

For your information there is enclosed a copy of the Department's decision.

Respectfully,

Inc.-2-14-100.

Commissioner.

Cherokee Freed.  
M-455, et al.

Waskagee, Indian Territory, November 15, 1906.

W. V. Hastings,

Attorney for Cherokee Nation,

Waskagee, Indian Territory.

Dear Sir:-

There is enclosed a copy of the Department's decision of November 3, 1906, denying the motions filed September 7, 1906, and June 25, 1906, for a rehearing in the Cherokee freedom cases of Davis Martin and others and Josie Looney and others.

Respectfully,

Commissioner.

Enc.-1-15-L03.

76

79 483

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED  
JUN 3 1901

 ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date

JUN 3 1901

Post Office

Mountain, N.C.

District

2000

1. Name

Age

Owner's name

Citizenship

Year

Page

No.

District

Parents:

Father

Citizenship

Mother

Citizenship

2. Name of wife

Mary A. Peak

Age 38

Owner's name

Citizenship

Year

Page

No. 1195

District

2000

Parents:

Father

David Martin

Citizenship

Sealed

Mother

Jane

Citizenship

Names of Children:

3.

Year

Page

No.

Dist.

4.

Year

Page

No.

Dist.

5.

Year

Page

No.

Dist.

6.

Year

Page

No.

Dist.

7.

Year

Page

No.

Dist.

8.

Year

Page

No.

Dist.

9.

Year

Page

No.

Dist.

10.

Year

Page

No.

Dist.

11.

Year

Page

No.

Dist.

12.

Year

Page

No.

Dist.

Application made by

No. 1

Stenographer

B.C. Jones

On K.C. roll as

Mary Martin

On Walker roll P. 175

No. 3264

Mary Ann Martin

2000



4

FD 485

MAR

1902

*[Handwritten signature]*  
ACTING CLERK

# **NOTICE.**

## **Cherokee - Freedmen - Enrollment.**

The Commission to the Five Civilized Tribes will continue in session at

### **MUSKOGEE, IND. TER.,**

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Mary A. Leek,

Nowata, I.T.

CherokeeF-D-485

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Department of the Interior.

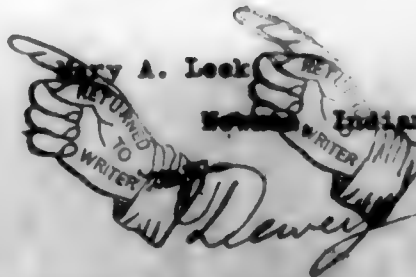
Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



*Charles Enrollment Div.*

*JK 444*



*Harry A. Leek*

*Nowhere* Indian Territory.

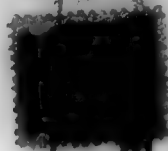
11364  
10772

Mary A. Leek.

Howata, Indian Territory

UNCLAIMED

APR 26 1904

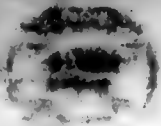
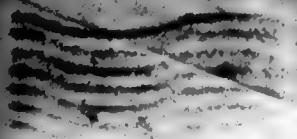


Department of the  
Commission to the Five Civilized  
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Department of the Interior.  
Commission to the Five Civilized Tribes,  
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Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

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Mary A. Leek,

~~Nowata, Indian Territory~~



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Cher. Fr. R. 445

BEFORE THE DEPARTMENT OF THE INTERIOR,  
WASHINGTON, D.C.

To the Honorable,

The Secretary of the Interior:

In the matter of the application of David Martin et al, for  
enrollment as Cherokee freedmen, consolidating the applications  
of:

|                               |        |     |
|-------------------------------|--------|-----|
| David Martin et al-----       | C.F.D- | 486 |
| Mary A. Leek -----            | C.F.D- | 485 |
| Josie Leoney et al-----       | C.F.D- | 487 |
| Eliza Manuel -----            | C.F.D- | 488 |
| William H. Martin et al ----- | C.F.D- | 489 |
| Fred Peterson et al -----     | C.F.D- | 490 |
| Charity Taylor -----          | C.F.D- | 491 |
| Lourena Rowe et al -----      | C.F.D- | 497 |

MOTION FOR REVIEW OF DECISION.

Come now, by their attorneys, BLUE & BULGER, the above named  
applicants for enrollment as Cherokee freedmen, and move the Hon-  
orable Secretary of the Interior to review the decision of the  
Commission to the Five Civilized Tribes, in the above named cases,  
dated March 5, 1904, and to reverse said decision and to order the  
said applicants to be enrolled as Cherokee freedmen, or to remand  
the above named cases to the Commission of the Five Civilized Tribes  
for further consideration, for the reason that said decision of  
said Commission is contrary to the law governing in such cases, and  
is not warranted by the facts as shown by the record, and as such  
facts are.

In support of this motion, the affidavits of Daniel Tucker and  
Fred Martin, both citizens of the Cherokee Nation, and recognized  
as such, are hereto attached.

Respectfully,

*Blue & Bulger*  
*[Signature]*  
Attorneys for Applicants.

Service of the above motion accepted, and a copy of the same  
received by the attorneys for the Cherokee Nation this 23rd day of  
January, 1905, in Vinita, Indian Territory. Copies of the above  
mentioned affidavits have been received by the Cherokee attorneys  
but the Cherokee nation objects to their being considered.

Bell, Hastings & Davenport,  
Attorneys for Cherokee Nation

By *J. C. Bell*  
Secretary.

|       |                               |      |
|-------|-------------------------------|------|
| 81143 | Indian Office,<br>Incl. No. 2 | 1904 |
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State of Kansas,  
County of Montgomery, ss.

Personally appeared before me, a Notary Public, within and for the county and State aforesaid, Daniel Tucker, of lawful age, who by me first being sworn to tell the truth, the whole truth, and nothing but the truth, concerning the matters about which I interrogated him, testified as follows:

Philip H. Cass, Examining.

Q. What is your name? Daniel Tucker.

Q. Where do you live?

A. North of Chelsea, Indian Territory.

Q. How long have you lived in the Indian Territory?

A. All my life.

Q. How old are you?

A. About fifty-eight years old.

Q. Were you acquainted in the Indian Territory with David Martin, a colored man, who recently lived in what is known as the Timber Hills, Cherokee Nation?

A. Yes, sir.

Q. How long had you known David Martin?

A. I have seen him off and on since I was a little boy.

Q. Did you see David Martin at any time during the Civil War?

A. I did not see David Martin during the War, but I saw him directly after the war.

Q. State when, and under what circumstances you saw David Martin directly after the war?

A. It was about the latter part of November, 1866; I remember the date because I saw him at Fort Gibson while on a trip I made to that place.

Q. Did you have any conversation with David Martin at the time you say you saw him at Fort Gibson?

A. Yes. A little.

Q. What was that conversation as near as you can remember?

A. He stated that he was there for the purpose of locating in that country; that there were a great many colored people there at Gibson at that time, and he thought he would locate further up north.

Q. Did Mr. Martin say where he meant by further north?

A. Yes, sir.

Q. Where did he say?

A. About Island Ford, Saline District.



(2)

- Q. Where did you see David Martin next?  
A. I saw him at Island Ford, Cherokee Nation.  
Q. When did you see him at Island Ford?  
A. About October, 1887.  
Q. What was David Martin doing at the time you saw him at Island Ford?  
A. He was stopping there, but I do not know whether he was located at that time.  
Q. At or about what time did you first learn that David Martin had located in the Indian Territory?  
A. It was about two years after I saw him at Island Ford.  
Q. Where did David Martin make this location that you speak of?  
A. Just across the Grand River from Island Ford.  
Q. State whether or not you are a citizen of the Cherokee Nation?  
A. I am a citizen of the Cherokee Nation?  
Q. State whether or not you are a citizen of the Cherokee Nation by blood, or adoption?  
A. By blood.

Daniel Tucker

State of Kansas, County of Montgomery, ss.

I, Philip H. Cass, a Notary Public, within and for the county and State aforesaid, do hereby certify that Daniel Tucker was by me first duly sworn to testify the truth, the whole truth, and nothing but the truth; and that the deposition by him subscribed, as above set forth, was reduced to writing by me in the presence of the witness, and subscribed by said witness in my presence, and taken at the time and place specified. And that I am not a relative, counsel or attorney of either party, or otherwise interested in the event of this action or proceeding.

WITNESS my hand and Notarial Seal, at Coffeyville,  
Kansas, in said county, this 15th day of November,  
1904.

Philip H. Cass  
Notary Public.

Commission expires Feb 17 1908

Service of this affidavit accepted by the Cherokee attorneys  
and a copy of the same received by them this      Day of December,  
1904, at Vinita, Indian Territory.

Bell, Hastings & Davenport,  
Attorneys for Cherokee Nation

By.. ..

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Indian Office,

Incl. No.

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Handwritten signature or initials, possibly "S. J. 117".

84071

State of Kansas,  
County of Montgomery, ss.

Personally appeared before me, a Notary Public within and for the county and State aforesaid, Fred Martin, of lawful age, who by me first being sworn according to law, to tell the truth, the whole truth, and nothing but the truth, concerning the matters about which I was about to interrogate him, testified as follows:

Philip H. Cass, examining.

Q. What is your name.

A. Fred Martin.

What is your age?

A. Some where between forty-eight and forty-nine. There is some conflict as to my age, we don't know it exactly.

Q. Where do you live?

A. I live out here in Timber Hill.

Q. Were you acquainted with one David Martin during his life time?

A. Yes, sir.

Q. How long were you acquainted with him.

A. Since I was a child.

Q. When do you first remember seeing David Martin, and where?

A. At Fort Gibson, Indian Territory, about the fall of 1866.

Q. How are you able to fix the date in your mind?

A. I remember the time distinctly, as my father and family removed from there at that time.

Q. When did you next see David Martin?

A. Two or three years afterward at Greenbrier, on the Grand River.

Q. Where did you see David Martin next?

A. Well, I saw David Martin, who was my uncle, and always stopped with us when in our neighborhood, several times after we moved to Greenbrier, and at Vinita, where we moved from Greenbrier.

Q. State whether or not you ever saw David Martin at George Beans' on Grand River?

A. Yes, sir.

Q. When was it that you saw David Martin at George Beans'?

A. Three or four years after we left Fort Gibson.

Q. Where did you see David Martin after the time you saw him at Vinita?

A. He was located near Gooseneck Bend, Indian Territory.

Q. You may state whether you saw him in any other location than at Gooseneck Bend, after he located there?

A. Timber Hill.

Q. You may state, if you know, whether he removed from Timber before his death.

A. He did not.

Q. You may state whether or not you are a citizen of the Cherokee Nation?

(2)

A. I am.

Q. You may state whether you are a citizen by blood, adoption, or by reason of your right as a Cherokee Freedman?

A. Cherokee Freedman.

Fred Martin

State of Kansas,  
County of Montgomery, ss.

I, Philip H. Cass, A Notary Public, within and for the county and State aforesaid, do hereby certify that Fred Martin was by me first duly sworn to testify the truth, a the whole truth, and nothing but the truth; and that the deposition by him sunscribed, as above set forth, was reduced to writing by me in the presence of the witness, and subscribed by said witness in my presence, and taken at the time and place specified. And that I am not counsel or attorney of either party, or otherwise interested in the event of this action or proceeding.

WITNESS my hand and Notarial Seal, this 15th day fo  
November, 1904, at Coffeyville, Montgomery county,  
Kansas.

My commission expires, Feby. 17, 1908.

Philip H. Cass

Notary Public.

Service of this affidavit accepted by the Cherokee attorneys  
and a copy of the same received by them this      day of December,  
1904, at Vinita, Indian Territory.

Bell, Hastings & Davenport,  
Attorneys for Cherokee Nation

By.....

( COPY )

State of Iowa

Johnson County

I, J. S. Warner, clerk of the District Court of Iowa, in and for said County do hereby certify Mr. David Martin and Miss Jane Haskett were joined in the Holy Bonds of Matrimony, on the 16th day of July A. D. 1861 by Geo. S. Hamilton, a Justice of the Peace in and for Johnson County Iowa, he being at that time legally authorized and empowered to solemnize Marriages; and that the record of all the above proceedings may now be found in my office in Book 3, at Page 183 of the Marriage Register, reference thereto being had.

I further certify That I am the legal custodian of all the Records of said Court, including the Marriage Register thereof, and that I am by law authorized to make this Certificate.

I witness whereof I have hereunto set my hand and affixed the Seal of said District Court at my office in Iowa City Iowa, this 19th day of April 1901

(Signed) J. S. Warner  
Clerk Dist. Court.

INDORSEMENTS.

C.

F. D. 480

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

JUN 3 1901

Thomas Binkley

Acting Chairman.

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Lacy M. Bowman, being under oath, states that as stenographer to the Commission to the Five Civilized Tribes she made the above and foregoing copy and that same is a full, true and correct copy of a document on file with the Commission to the Five Civilized Tribes  
Subscribed and sworn to before me  
this 24th day of September, 1904.

*Lacy M. Bowman*  
*John M. [Signature]*  
Notary Public



( COPY )

File with  
David Martin C.F.D.-486.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Chelsea, I.T. June 2, 1901.

In the matter of the application of Mary Ann Leak for enrollment as a Cherokee Freedman.

MARY ANN LEAK, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A My name is Mary Ann Leak now.  
Q How old are you? A I am 37 years old.  
Q What is your post office address? A Nowata.  
Q What district do you live in? A Well, I don't know.  
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.  
Q Who do you want to enroll besides yourself? A I have three children.  
Q Under age? A No, sir.  
Q They are all married? A Yes, sir.  
Q Are you married yourself? A Yes, sir.  
Q Is your husband a citizen? A Yes, sir.  
Q Has he been enrolled? A No, sir.  
Q Why isn't he here to enroll with you; is he here? A Yes sir he is here.  
Q Do you want to enroll him? A No, sir, he will enroll himself I suppose.  
Q Is your name on the roll of 1880? A No, sir, I guess not.  
Q Is your name on any of the Cherokee rolls? A Yes, sir, it is on the Wallace.  
Q Did you draw what is known as the Kern-Clifton money? A Yes, sir.  
Q Did you draw your Kern-Clifton money under the name of Leak?  
Q No, sir, I wasn't married to him then, I drew under the name of Martin.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.

The Kern-Clifton roll examined and the applicant identified thereon page 170, No. 4195, Cooweescoowee district, as Mary Martin.

The Wallace roll examined and the applicant identified thereon, page 175, No. 3264, Cooweescoowee district, as Mary Ann Martin.

Q What is your father's name? A David Martin.  
Q Is he living? A Yes, sir.  
Q What is your mother's name? A Jane Martin.  
Q Is she living? A Yes, sir.  
Q Where were you born? A I can't tell you, you will have to see my father about that, I can't tell you anything about that, I don't know.  
Q Where were you raised? A In the Territory.  
Q In the Cherokee Nation? A Yes, sir.  
Q That the first place you can recollect? A Yes, sir.  
Q Well now, have you got any witnesses as to your citizenship?  
A My father.  
Q Is he a citizen? A Yes, sir.

DAVID MARTIN, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A David Martin.
- Q How old are you? A I am 64.
- Q What is your postoffice? A Coffeyville.
- Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir I have been.
- Q Is your name on the roll of 1860? A No, sir.
- Q Do you know Mary Ann Leak? A Yes, sir.
- Q What relation is she to you? A My daughter.
- Q Is she a Cherokee citizen? A Yes, sir, she has been so recognized.
- Q Does she get her citizenship through you? A Yes, sir.
- Q Have you been enrolled yet? A No, sir, not this time.
- Q What is your owner's name? A My true owner was named John Martin, but I lived with Joe Martin, his uncle, who was his guardian when his father died in an early day and his uncle was the guardian for him.
- Q Was he a Cherokee citizen? A Yes, sir.
- Q Were you taken out of the Cherokee Nation during the war? A No, sir, I was in the woods scouting about the breaking out of the war; yes sir, I belonged to him up to the war.
- Q Did you remain in the Cherokee Nation during the war? A No, sir I remained until February, 1861, in the woods, and then I went to Iowa in '61 and stayed there till '63, I married there in '62, and then went in the army and stayed in the army until the fall of '66 and then was discharged and returned back home in October, '66.
- Q Have you been living here ever since? A No, sir, I went back to Iowa for my family, I married there and left this girl and my wife there when I went in the army, and went back there and got them and brought them back through in the fall of '66, up in Kansas, and left them there, and I came here and kept my children there until about 26 years ago I guess, then I came back here and I moved my family down here.
- Q Well, 26 years ago; you have been living here for the last 26 years? A Yes, sir, most of the time.
- Q Where was Mary Leak born? A She was born in Iowa.
- Q Where were you married? A Married in Iowa.
- Q That was in what year? A In '61.
- Q Then you came back yourself to the Cherokee Nation in '66?
- A Came back from the Army when I was discharged, came here and came on home.
- Q You didn't bring your family until 26 years ago? A I brought my family to up to Kansas, up to Ottawa.
- Q But you didn't move them back to the Cherokee Nation until 26 years ago? A No, sir, I didn't bring them all back till 26 years ago.
- Q Then you didn't live here in the Cherokee Nation absolutely not until 26 years ago? A Yes, sir, pretty near all the time, I was here in '73 and '4 and 5.
- Q Tell, where was you from '66 until '73? A I was partly in the Nation, I was scouting judge, the truth of it, I was in the woods; that is the reason I didn't bring my family back, they were trying to kill me.
- Q Did you occupy any property or get any land or make a home here?
- A Yes, sir, I had a home, had hogs and cows here all the time.
- Q From '66? A Yes, sir, with my sister, right of that man's (Mr. Bell) house, that of where he lived.
- Q Have you any other grown children besides Mary Ann? A I have four children, three girls and one boy.

- Q What are their names? A One is named Josie Looney and the other is named Eliza and the other one is named Willie.
- Q Are they here? A Yes, sir, all here.
- Q Were they all born in Iowa? A No, sir, there was two born here and one in Kansas; two in Kansas and one here, and the grandchildren were all born here.
- Q Are there any other facts in relation to your citizenship which you desire to state? A Nothing more than to prove I was here in '66, came through here in '66.
- By W. W. Hastings, Cherokee Attorney: You were married in '61
- A Yes, sir.
- Q In Iowa? A Yes, sir.
- Q How come you to go to Iowa? A I got in trouble here at home.
- Q How long before the war? A Gow in trouble in the fall of '59 and winter of '60 and the winter of '60 I went in the woods.
- Q The truth of the matter, you run away from here in '58?
- A No, sir, I was here in '58.
- Q Are you sometimes known as Wiley? A That is my name sir.
- Q You belonged to Dick Martin's father? A John Martin's father.
- Q Well, what relation was he to R. L. Martin? A Well, Dick Martin was R. L. Martin and when Gabe Martin went to California he made Dick the guardian of John.
- Q Did you belong to Dick Martin? A No, sir, John Martin.
- Q Well, Joe Martin had charge of you? A Yes, sir, I was an orphan child's property.
- Q And you ran away in about the year 1858? A No, sir, I ran off the winter of '59 or '60.
- Q Winter of '59? A Yes, sir, '59 and '60.
- Q Where did you go? A Went in the woods, I was scouting.
- Q You went to Iowa? A No, sir, I didn't go to Iowa.
- Q You were married in '61? A Yes, sir, I left here '61 when they were trying to catch me.
- Q How long had you been acquainted with your wife when you married her? A About four months.
- Q What time of the year '61 did you marry her? A Married her July 14, 1861.
- Q How long had you been in Iowa when you were married? A About four months, been there about two months before I got acquainted with her.
- Q And you were in Iowa when the war came up? A No, I was here in the Nation when the war came up, up in the neutral lands scouting.
- Q You were in Iowa four or five months before you married? A No sir, I wasn't that long, because I married about four months after I got acquainted, and I went there in March in the city where she lived.
- Q In March of '61? A Yes, sir.
- Q Well, this applicant was born in Iowa? A Yes, sir, born in Iowa.
- Q Who came back with you to the Cherokee Nation after the war?
- A I came back myself, I tell you I come from the army, I come right through here from the army.
- Q Where were you discharged? A Discharged at Shreveport, Louisiana, and mustered out at Baton Rouge, and then sent to New Orleans and paid off.
- Q Where did you go from there? A Went home, come right up the Mississippi river until I got to a little town at the mouth of the Arkansas, and then I took the Arkansas and run up to Little Rock, and from Little Rock to Fort Smith, and from Fort Smith to Fort Gibson and there I took the military wagons and come from there home, went on from there to Kansas and when I come through here there wasn't anybody here.
- Q Not anybody here? A Some few in Gibson.
- Q Who did you see at Gibson? A Didn't know anybody but Irvin Vann and saw Jim Albery after I got up on the prairie.

- Q What prairie? A On the Military road right along from Gibson to Fort Scott.
- Q Did you know him before the war? A Yes, sir.
- Q Did you stop and have any talk with him? A I stopped and had a talk with him, and we camped by his house.
- Q Where was Jim living? A Close to Miss Alberty's place.
- Q When was that? A In '66.
- Q What time in '66? A October '66.
- Q Then where did you go? A I went from there to Leavenworth and from Leavenworth--
- Q You went right on through this country to Leavenworth? A Yes, sir, and stopped a while, I stayed around there three or four days until I could get a government wagon for home.
- Q You went to Fort Leavenworth then? A Yes, sir.
- Q How long did you stay there? A I didn't stay there any longer than till I could get a steamboat to go up the river.
- Q To Iowa? A Yes, sir.
- Q You found your family up there? A Yes, sir, found my wife and child.
- Q Well, I believe you stated you brought them down to Kansas? A Yes, sir.
- Q Now, how long did your wife live there in Kansas? A Well I don't know, she was there two years she was under the doctor, they couldn't move her any way, had to lift her around in quilts; kept her there under a doctor two years and maybe two and a half, until they could get her cured, had to send back to Ohio to get a doctor to cure her.
- Q Well, where did you first permanently locate in the Cherokee Nation? I permanently located first, I took my claim right side of my sister's on Grand River close to my old home.
- Q Close to the mouth of Cabin Creek? A Yes, sir, above the mouth of Cabin Creek.
- Q About how far? A About three miles, or four.
- Q When did you take that claim? A I took that claim in '73
- Q Did you live on it then? A Yes, sir, I improved it, put up some logs and a foundation on it.
- Q Bring your family down then? A I went back and got them after I put the claim in.
- Q Is that the first time you had ever come to Cabin Creek after the war? A No, sir, I traveled right through Cabin Creek as I was going home.
- Q You testified five years ago that you came and located near the mouth of Cabin Creek in '66? A No I didn't.
- Q You deny that now? A Why I sure deny it, I told you plain, you know I did.
- Q Where did you have your cows? A Had them at sister Betty's.
- Q When did you put them down there? A Put them down there, I don't recollect.
- Q In 1873? A No, I put them there before '73; I put them there in '72 or '71; I was down there all them years.
- Q But your wife and your children, your family, was in Kansas? A Yes, sir, I left them up in Kansas.
- Q How far did you locate from where Mr. Bell lives? A About three miles I reckon, or four miles.
- Q How old is your second child, the next one to this applicant? A I don't know, she is five or six years younger than this one; six or seven; my wife was sick all the time until I ---
- Q Just the exact age? A I don't know just exactly the age.
- Q Now how old is the third child? A She is about 29 I guess
- Q She born in Kansas? A Yes, sir, born in Kansas.
- Q Did you work for Frank Consine in the year 1866? A I and Reek Buffington and Ben Sanders, my brother Spence, come down in '66 in the winter, in January, '66, and chopped some wood for Lewis Kell, and I went back in March, '67; in '67 we come down, January, '67 is what I told you we did, we come down January, '67, and chopped wood for Lewis Kell and went back home where my family was in March, '67.



- Q Mr Bell lived there then? A Yes, sir, he was living there  
 Q You are certain of that? A Yes, sir, I know it  
 Q Well, he never came there till May, 1867; I, am just telling you that. A Well he was living there in the Nation, I don't know whether he was living at his house or not.

JIM ALBERTY, being duly sworn and examined by Commissioner Neesles, testified as follows:

- Q What is your name? A Jim Alberty  
 Q How old are you? A 70 years old.  
 Q What is your post office? A Choteau.  
 Q Do you know Mary Ann Leak the applicant here; used to be Mary Ann Martin, or Mary Ann Peterson? A I don't know her by that name.  
 Q Do you know Dave Martin? A Yes, sir.  
 Q How long have you known him? A Ever since we were both boys  
 Q Was he a slave? A Yes, sir.  
 Q Who did he belong to? A Old Joe Martin.  
 Q Was he a Cherokee? A Yes, sir.  
 Q Well, when was the first time you saw Dave Martin after the war between the north and south? A At my house.  
 Q When? A In 1866  
 Q What time in '66? A Well, I don't know for certain; it might not have been in the fall.  
 Q Was he married then? A Didn't have no woman there.  
 Q How long have you known him since that; have you known him since that? A Ever since that.  
 Q Has he lived in the Cherokee Nation continuously since that time? A Everywhere I saw him it was in the nation, never saw him out  
 MR. Hastings: Jim, you know he hasn't been living here? A I don't know anything about that, I tell you he come to my house in '66, he come to my house and I went with him to where an old white man sold whiskey and got me a lot of whiskey and come back; I don't know where he went from that.  
 Q You haven't seen him for a long time? A It might have been a year after that, before I saw him; I wasn't particular  
 Q Where did the white man live that you got the whiskey from? A Lived right there the other side of Russell Creek.  
 Q Went all the way up there? A Yes, sir; he said he was going for his family.  
 Q Was he on horse back too? A Yes, sir  
 Q But he testified that he came in the government wagons? A Well he did after he got up there I guess; I don't know about that  
 Q Well, at Fort Gibson? A I don't know; that is at home.  
 Q Where were you living? A You know where the old place that old Baugh owns that you call the Nancy Markham place; I was living right there, it was my house.  
 Q Do you know the time of the year? A It was in the fall as well as I recollect, fall or summer.  
 Q Was that the only time you saw him in '66? A I don't know but what it was.  
 Q Well, you have been thinking over the matter? A No, I have never thought over the matter.  
 Q You knew you were going to be a witness for him? A I guess I am now, when they called me; I don't have to hear what any man says when I come to tell what I know.  
 Q You testified for him five years ago? A Yes, sir.  
 Q You testified then you knew he was working for Frank Consine?  
 A No I didn't.



- Q Do you deny that now? A Yes, sir, I was working for Frank Consine.
- Q At the time you saw him? A Not exactly at the time but I had been working for Frank and Henry Rider was working for me on this place.
- Q Do you know where Dave's family was when you saw him? A No, I didn't know anything about his family, I didn't know he had one at that time; Frank told me himself, I was at his house at that time.
- Q How do you know? A I heard him.
- Q You were sitting right there? A I was sitting where you had me.
- Q When did you see his family first? A It was a year or more after I saw him here, that is at my house.
- Q Do you think you saw his family here within a year? A Well, it might have been, of course I didn't keep any record of it, I never thought about him until I seen him.
- Q I want you to say now how long after you saw him until you saw his family? A Maybe a year or more.
- Q How much more? A I don't know.
- Q You think it has been as much as six or eight years? A I can't say that because I don't know.
- Q You applied for enrollment yourself at Vinita? A Yes, sir, I did.
- Q You are the man that Mr. Lindsey testified was sold out of here before the war? A Yes, sir, he did, and didn't testify the truth either.
- Q But you joined the army at Little Rock? A Yes, sir.
- Q Mr. Lindsey said you were sold out down below Little Rock?
- A Old Lindsey don't know any more about me than a rabbit.
- Q You have been pretty near all over the Cherokee Nation in '66?
- A Yes, sir, I was pretty near all over it, every place I could get whiskey to sell I went there, that is how come I was all over it.
- Q What years is this? A Well I can't tell you that.
- Q You don't know one year from another do you? A No, nobody has never told me what year this is.
- Q Yet you remember what happened 35 years ago? A People that has sense, knows the dates, and told me of that.
- Q But they never told you a year since that? A No sir, never asked nothing about it, because I didn't care, never had a thought nothing about the dates or anything else since; it was told me and I was satisfied I was inside of the treaty and I noticed everybody else I seen was inside until that year was out, then I never kept no record since because I thought them come home after that was out, and I didn't pay no attention to them.
- Q Where did you first see this family, at what point? A I can't tell you that, I don't know that.
- Q You don't know then where you saw his family? A No, sir, I don't know, I don't recollect.
- Q And you don't know how many years? A No, sir I don't.
- A Do you know when you next saw Dave? A No, I don't know as I can place where I next saw him; the way I recollect him now I went with him.

MARY ANN LEAK; recalled, testified:

- Commissioner: Have you any children? A Yes, sir.
- Q How many? A Three.
- Q They are all married, are they? A Yes, sir.
- MR. HASTINGS: Where were you married first? A I was married, I can't tell you the place, it was in the states though, the first time I married.
- Q Iowa or Kansas? A It was in Kansas.
- Q What was your first husband's name? A Peterson.

- Q Were you living with your mother at the time you married?  
 A Yes, sir.  
 Q What was the date of your marriage? A I can't tell you about that.  
 Q About how old were you? A I can't tell you that either.  
 Q I mean when you married? A Well I don't know exactly myself, father can tell you.

DAVID MARTIN, recalled, testified:

Mr. Hastings: About how old was your daughter when she married first; as much as 18 or 20? A She was 16 I think.

MARY ANN LEAK, recalled, testified:

- Mr. Hastings: Were you married but the one time? A I have been married the third time  
 Q What is your oldest child's name? A Lourena  
 Q Where was Lourena born? A She was born, I don't recollect that either now; you will have to ask father about that question  
 Q You are the mother of that child? A Yes, sir, I am her mother, but I don't know what year she was born or where we were living at  
 Q Born in Kansas? A We were living in Kansas when she was born.  
 Q What is your next child's name? A Charity.  
 Q Was she born in the Territory? A Yes, sir  
 Q Where? A Up there away up above where we first lived, I don't know where at.  
 Q That is when you first came into the Territory? A Yes, sir.  
 Q Now how old is the second child? A I don't know that either I never kept no account of nothing of the dates, my father attended to that.  
 Q Did you come in when your mother came? A Yes, sir, I came with my father and mother.  
 Commissioner: What was your first husband's name? A Peterson  
 Q What was your second husband's name? A King.  
 Q Is he living? A I don't know, sir, whether he is or not.  
 Q Your first husband? A I don't know that either.  
 Q Were you divorced from both of them? A Yes, sir.  
 MR. Hastings: Where were you married to King, your second husband?  
 A Down here at Lightning Creek at Campbell's office.  
 Q Where were you divorced from Peterson? A In the states  
 Q Kansas? A Yes, sir, where I married him.  
 Q Who was the father of the second child? A Peterson; I have no children by any man except my first husband.  
 Q Those three children must have been born in Kansas? A No, sir wasn't all born in Kansas.  
 Q You got a divorce from him in Kansas? A Yes, sir.  
 Q Did you go back to Kansas after you came back here? A Yes, sir  
 Q How long had you lived here when you returned to Kansas? A  
 A When I went back, I didn't exactly know.  
 Q A month? A I guess it must be longer than that.  
 Q Well, from your best judgment? A Well, I can't tell you, my father will have to tell you about that because me being quite young, I never paid no attention to nothing of that kind.  
 Q You can state whether you stayed here longer than a month when you first came down here, before you went back? A Yes, sir, I guess something over a year before I went up.  
 Q How long did you live in Kansas when you went back? A I wasn't living in Kansas, I just went there merely on a visit, and came back.  
 Q You got a divorce up there? A Yes, sir, but I didn't have to stay there long to get it.

Q What county did you get it in, what town? A Ottawa.  
Mr Bell: What year was that in? A I can't tell you nothing about that.

Commissioner: Mary Ann Leak applies for the enrollment of herself. She is not identified upon the authenticated roll of 1880, but is identified upon the Kern-Clifton and Wallace rolls, as Mary Ann Martin, that having been her maiden name. She avers that she is the child of David Martin. She will be listed for enrollment as a Cherokee Freedman on a doubtful card, and will be notified of the decision of the Commission, when arrived at, by mail.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Bruce C. Jones.

Sworn to and subscribed before me this the 9th of August, 1901.

(Signed) T. B. Needles.  
Commissioner

Lucy M. Bowman, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy and that the same is a full true and correct copy of the original transcript.

Subscribed and sworn to before me this 12th day of September, 1901.

*Lucy M. Bowman*  
*W. E. Martin, Jr.*  
Notary Public.

( COPY )

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Chelsea, I.T., June 3, 1901.

In the matter of the application of David Martin for the enrollment of himself and wife as Cherokee Freedmen.

David Martin, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A David Martin.  
Q What is your age? A 64.  
Q What is your district? A Cooweescoowee.  
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.  
Q What is your post office? A Coffeyville.  
Q Do you desire to enroll anybody besides yourself? A Just myself and wife.  
Q What is your wife's name? A Jane Martin.  
Q How old is she? A 62.  
Q Is she a recognized citizen? A No, sir, she is a state woman.  
Q You ask her enrollment as a Cherokee Freedman by intermarriage?  
A Yes, sir.  
Q When were you married to her? A In '61.  
Q Where? A In Iowa City.  
Q State of Iowa? A Yes, sir.  
Q Have you any certificate of marriage? A Yes, sir.  
Q Please present it? (Hands commissioner paper).  
Commissioner: Applicant presents a certificate of marriage certifying that on the 14th day of July, 1861, he was married to one Miss Jane Haskett, a citizen of the state of Iowa.  
Q You been living with your wife continuously since that time?  
Q Yes, sir, ever since.  
Q Is she living now? A Yes, sir.  
Q How long has she lived in the Cherokee Nation? A Well, she has been near 24 years, when she moved here, when she got well enough.  
Q You have testified as to the time you came to the Cherokee Nation in the testimony taken in the application of Mary Ann Leak?  
A Yes, sir.  
Q Mary Ann Leak is your daughter? A Yes, sir.  
Q Is your name on the roll of 1880? A I don't know sir, it ought to be.  
Q Did you draw what is known as the strip money? A Yes, sir.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicants not identified thereon.

The Kerns-Clifton roll examined and the applicants identified thereon as follows:

David Martin on page 170, No. 4191, Cooweescoowee district;  
Jane Martin not on Kerns-Clifton roll.

The Wallace roll examined and the applicants identified thereon as follows:

David Martin on page 175, No. 3267, Cooweescoowee district;  
Jane Martin not identified thereon.

- Q Have you ever been recognized as a Cherokee citizen? A Yes, sir.  
Q Ever voted? A Yes, sir, voted and got permits and everything.  
Q Have you any permits with you? A I forgot to bring them, I have got a lot of them at home.

Commissioner: David Martin applies for the enrollment of himself as a Cherokee Freedman and his wife, Jane, as a Cherokee Freedman by intermarriage. His name is not found



Davis Martin--B--

Q upon the authenticated roll of 1880 or the census roll of 1890. He is duly identified upon the Kerns-Clifton and the Wallace rolls. He presents satisfactory proof of marriage to his wife, Jane, in the year 1861, in the state of Iowa. He makes satisfactory proof as to residence. As to proof of his citizenship, reference is made to the testimony taken in the case of Mary Ann Leek, who has just been enrolled on Cherokee Freedmen doubtful card D-405, the said Mary Ann Leek being the daughter of said Dave Martin, and the testimony in said case will be made part of the record in the case at bar, and a copy will be filed with the case of David Martin. He will be notified of the decision of the Commission, when it arrives at one, by mail.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

( Signed ) Bruce C. Jones.

Sworn to and subscribed before me this the 3rd of June, 1901.

( Signed ) T. B. Needles,  
Commissioner

Lucy M. Bowman, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy, and that the same is a full true and correct copy of the original transcript.

*Lucy M. Bowman*

Sworn to and subscribed before me this 7th day of September, 1901.

*W. B. Martin*  
Notary Public



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it was in 1912, 1914 or 1916, and that their records would show the dates. He said the records will show the date I came to the Nation. I was afraid to bring my family from Kansas to the Nation. I don't know to what year in the '70s I don't know - I don't know if he is really the year.

By the Commission:  
Q Did you know whether David Smith ever voted in the Nation?  
A I don't know, I don't know if he did in politics.

Q From the time he arrived with his family in Ottawa, then away some 11 years afterwards, did you know him as steadily and consistently residents of Ottawa? A Yes.

Q Was he living there as a man who came there from time to time as any other regular resident? A As a man who lived there usually.

Q Did you ever miss him for any length of time? A No.

(By Smith)  
Q Did he have any children at that time? A I don't know whether he had any children in the first place, he had one or two when he left there.

Q The children he had born there when he left there were small children were they not? A Yes sir, small children.

(Smith being re-called and examined by the Commission.)

Q Do you know whether David Martin ever voted up in Ottawa?  
A I don't know whether he did or not.

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This will be filed as supplemental testimony in the case of  
Martin at O. C. T. 11, 1910, and also in O. C. T. 11, 1910, 1911.

*File with case of David Martin et al.*  
*C. F. D. No. 486.*

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I. T. October, 3d 1901.

SUPPLEMENTAL TESTIMONY in the case of David Martin et al., C.F.D. #486.

W. W. Hastings, attorney for the Cherokee Nation.  
Mellotte & Smith attorneys for the applicants. (Applicant present)

SMITH EWING, being first duly sworn by Commissioner C. R. Breckinridge, testified as follows on the part of the Cherokee Nation:

- Q What is your name? A Smith Ewing.  
Q Have you any middle name? A No sir.  
Q How old are you? A Going on 31.  
Q What is your post office? A Ottawa.  
Q In Kansas? A Yes sir.  
( By W. W. Hastings )  
Q You live in Ottawa, Kansas? A Yes sir.  
Q How long have you been living at Ottawa? A I came there in 1867.  
Q Where did you move from? A I moved from Ohio City, a little place eight miles south of Ottawa.  
Q How long had you lived within eight miles south of Ottawa before '67?  
A I came there in '65.  
Q Have you been living in Ottawa since '67? A Yes sir.  
Q Do you know this colored man, David Martin that you see here? A I do.  
Q When did you first become acquainted with him? A '66, first time I ever recollect of ever seeing him.  
Q Where did you see him? A In Ottawa.  
Q Do you know his wife? A I do.  
Q What is her name? A Jane.  
Q When did you meet his wife to know her? A In 1867 after I got acquainted with brother Martin.  
Q Where did you get acquainted with his wife? A In Ottawa.  
Q Did they have any children? A They did.  
Q Name some of them if you remember? A Mary Ann.  
Q Recollect any of the rest of them? A I can't swear to what the children's names were only Mary Ann.  
Q Do you know whether Mary Ann was married? A Yes sir she was married.  
Q Who to? A Man named Peterson.  
Q Do you know where Martin's wife was in '66 when you knew him and before you knew her? A I don't.  
Q Did he or she ever tell you where she was? A Never did, neither one of them didn't tell me.  
Q You don't know where she came from when she came to Ottawa? A No sir I don't know personally from her.  
Q Or from him either? A No sir I don't think he or she either ever told me.  
Q Well, what was Dave Martin and his wife doing when you knew them in Ottawa? A I don't know.  
Q Were they living there? A Just living there as any other citizens I don't know as they had any particular trade.  
Q How long did you know them up there, living there in Ottawa? A I don't know some six or eight years; I don't know how long exactly, never kept no track of it.  
Q Some six or eight years? A Yes sir, that long or maybe longer; he was a member of our church and a prominent man there.  
Q What time in '66 do you think you saw him first? A First of August, I believe it was or September, I don't know which; we used to have a day we celebrated.  
Q It was then in the summer of '66? A Yes sir.

Q You live now in Ottawa Kansas? A Yes sir.

( By Mr. Smith )

Q Where were you when the war commenced? A In Lafayetteville, Arkansas

Where did you go during the war? A I went several places.

Did you go out of the State of Arkansas? A Yes sir.

Where to? A Missouri.

Where were you when the war closed? A In Kansas

Where were you when you were freed? A When I was declared freed?

Yes. A In Arkansas

When was that? In '63, February, no it was in '63 when I received a message from my Captain that I was free.

Do you know what time in '63? A Long in January.

Do you know what time in January? A I don't know, I didn't care about the time all I cared was about the freedom.

What time did you go to Kansas? A Spring of '63, April.

Did you know David Martin before the war? A No sir.

When did you first get acquainted with him? A '66

What time in '66? A August or September, we was at the celebration.

Where were you in '66? A I was in Pottowotomie

In Kansas? A Yes sir.

Where were you in '66, in Kansas? A Did I say '65.

Yes? A Well I was in Ohio City in '65.

Where were you in '67? A In Ottawa.

Have you lived there ever since? A Yes sir.

When did you say that Dave Martin lived there in Ottawa? A '66, I knew him there-- --It has all been so long I don't exactly remember it all, I never kept no track of it.

You never knew nothing of him until you saw him at that celebration in '66? A No sir.

You don't know what date that was? A No sir, my recollection is growing very short, I don't know if it was August or September.

Do you know if it was either one of those months? A Yes sir.

Might it not have been as late as October? A No sir it wasn't October.

Are you sure that celebration was in '66? A Yes sir I am sure of hat

What makes you sure of it? A Because I know what year it was, I know from the time I come to Kansas, I know just when I come from Va to Kansas.

When did you come there? A 1863

What month? A April

How long had you been there when this celebration come up? A I lived in Linn County in '63, in Franklin in '64, and in '65 I lived in Franklin-- --hold on there, let me see whether this celebration

was in '65 or not-- --'65, that is right.

Then as a matter of fact it was in '65? A Yes sir.

Who spoke up there? A There was no speaking there--was--stammering let's see there was Fuller Carter and Alice Gray and --

Have a man named Ransom that made a speech? A I don't know, there was no many and I never kept no track, it has been so long.

Now that celebration was in '67 wasn't it? A No sir it wasn't, not the first celebration we had.

I am talking about the one at which you met David Martin? A No sir

You think it was in '65 do you? A Yes sir I recall it very well since you have brought it to my mind.

Do you know where David Martin was in '66? A I don't know, only I met him in Ottawa, but I don't know where he was all the time, he in and out, he is like a fish a fluttering and a jumping, just like a fish out of water, and he flutter and jump so much I can't tell where he was.

Then you are mistaken in saying that it was in '66 that you met him first? A Yes sir I made a mistake there.

Now you state now positively that you saw him at all in '66? I do

course I can.

Q Where did you see him? A Seed him in Ottawa.

Q But you don't know where he was all the time? A Just like I did other citizens, some days I seed him and some days I didn't.

Q How long did you continue to see him there? A Seed him frequently for 6, 7 or 8 years, I don't know exactly how long.

Q Where were you living in '66? A I was living down to Ohio City, south of Ottawa.

Q How far from Ottawa? A Eight miles.

Q You were not living in Ottawa then? A My home wasn't there I worked in Ottawa I was working a team there.

Q Did you team in Ottawa in '68? A Yes sir.

Q How much of the time? A I teamed there all fall and summer, that was my occupation.

Q But your home was in Ohio City? A Yes sir.

( By the Commission )

Q You say you got acquainted with Dave Martin's wife Jane along about '67? A Yes sir after I moved to town.

Q When did you move to Ottawa? A In '67.

Q And you have made it your home ever since? A Yes sir.

Q Now according to Dave Martin's account and according to your own account he took his family away from there about '74? A (No response.)

Q Were you acquainted with his family from '67 to '74, 6 or 8 years? A Yes sir.

Q What were you doing in Ottawa during that time? A I was living there and my occupation was quarrying and hauling stone.

Q Did you belong to the same church as Dave Martin? A I did.

Q You say he was a prominent man in the church there? A Yes sir.

Q Was he living there with his family all the time for that six or seven years? A Yes sir.

Q Did you meet him regularly at church during that time? A Yes sir.

Q You don't remember his being away from there for any considerable length of time during that time? A He was away in and out.

Q Did he seem to be a man that was making that his home with his family? A That was his home, he told us though that he belonged in the Nation.

Q Was he living there pretty much of the time with his family? A Yes sir.

Q What business did he follow? A Anything he could get to do, well digging and anything he could make any money at, anything he could get to do like the rest of us poor fellows.

Q Did you ever miss him from church any great length of time? A Yes sir I have missed him considerable from church.

Q How much of the time? A I never kept track.

Q Did he impress you as a man that would stay away from his family for a long period of time? A Not a great long period of time.

( By Hastings )

Q Mr. Ewing, what the Commission wants to know is whether or not you saw Dave Martin at regular intervals and frequent intervals for the six or eight years that you say you saw him living there like any other man of that town? A Yes sir, saw him just like any other man there.

( By Smith )

Q Do you know whether in '73 Martin's wife joined the church up there? A No I don't recollect anything about her joining the church.

Q Didn't your brother and this man's wife get religion at the same time up there in '73— isn't Brice Brown your brother? A Yes sir.

Q Don't you recollect him and Jane Martin getting religion about the same time? A I recollect of my brother getting religion but I thought Sister Martin had religion long before that; I recollect the revival there very well.

Q When was it? A It has been so long I am not positive as to the time, it was before we built our new church.

Q Do you know whether if at this time Dave Martin was away from that

place and here in the Nation? A I think he was.  
Q Can you tell us when that was? A The church was founded in 1887—I guess 1888, it has been so plagued long my mind is so forgetful.  
Q Then you don't know? A I won't swear when it was.  
( By the Commission )  
Q Did you visit frequently at Dave Martin's house? A Yes sir.  
Q Do you remember how many children he had in Kansas? A No sir, I don't remember.

HORACE B. PARAMORE, called and sworn as a witness by Commissioner C. R. Breckinridge, testified as follows: ( On the part of the Cherokee Nation )

Q What is your name? A Horace B. Paramore.  
Q How old are you? A 43.  
Q Where do you live? A Ottawa, Kansas.  
Q What is your post office is it? A Yes sir.  
( By Hastings )  
Q What is your occupation? A My business is physician and surgeon, but I haven't been doing that for some little time.  
Q How long have you lived in Ottawa? A Since the 28th day of March 1885.  
Q You were quite small when you came there? A Yes sir, landed there on my sixteenth birthday.  
Q Do you know this colored applicant for citizenship, David Martin? A Yes sir.  
Q Where did you first know him? A At Ottawa.  
Q Do you know his wife? A I used to know her, I don't know if I would if I saw her now or not.  
Q He had a wife, did he? A Yes sir.  
Q Where did you first know this colored man Dave Martin? A I think I got acquainted with him when he first came there, there were only a few people white or black at that time.  
Q When was that? A Fall of '84.  
Q How large a place was Ottawa at that time? A I don't think more than sixty or seventy-five perhaps one hundred people.  
Q New town? A Yes sir.  
Q You have continued to reside there ever since that time up to now? A Yes sir.  
Q How long did you know Dave Martin and his family to reside there from when you first knew the, on up? A They resided there several years, as to the exact number of years I can't say, I don't know exactly when they left there.  
Q You know they resided there a number of years? A Yes sir.  
Q Did you see Dave Martin frequently? A Yes sir.  
Q What is your best judgment as to the length of time that you saw he and his family there? A Well I should say that they lived there at least 10 or 12 years and probably more, that is the best of my judgment, 10 or 12 years at the least calculation.  
Q Did you see him there as you would any other resident of the town? A Yes sir.  
Q Do you remember his wife's name, or did you know that? A I can't say for certain that I do.  
Q Do you know of his having children? A Yes sir.  
Q Did you see them there? A Yes sir.  
Q Do you remember any of their names? A Well, I can't swear that I  
Q You know that he had children though? A Yes sir and I probably knew them at the time.  
By Mr. Smith  
Q What are your initials? A H. B.  
Q What business are you engaged in now? A At present I am not doing



anything for the past eight years; I loan some money and look after my property.

Q Your business is that of a physician and surgeon? A Yes sir.

Q You say you were only six years old when you went to Ottawa? A Yes sir.

Q You don't know the time positively that Martin came to Ottawa? A The exact dates?

Q You don't know the exact year? A I think it was early in the fall or late in the summer of '66.

Q Do you state that positively or not? A I do.

Q That it was in '66? A Yes sir.

Q How do you fix that date? A By conversations I have had with my folks at home, with old citizens there and with a conversation I had with Mr. Martin in Parsons on yesterday.

Q Do you fix it with with conversations you had with him or with others? A With all of them together, all agree in regard to the date.

Q You are not testifying then as to your independent recollection as to the time? A I recollect him as one of the first colored men in Ottawa.

Q Can you testify as of your own independent recollection that he came there in '66? A You have my answers which are the best that I can give you.

Q Can't you answer that yes or no? A I say yes.

Q Then you can recollect this without reference to anything that anybody told you, that it was '66 that he came there? A Yes sir.

Q And remember that it was in the fall? A I said it was either late in the summer or early in the fall.

Q If you remember it yourself and can state it from your independent recollection, why do you state anything in regard to conversations had with other people? A In the first place I wanted to be sure and when these other folks agreed with me in regard to the time I said so. After I was subpoenaed down here I talked the matter over with the people who were there, as I wanted to be sure about it. In 1865 there were no colored people in Ottawa at all and in 1866 there was four families I think moved into Ottawa and Mr. Martin was one of these families.

Q Do you remember that in the year 1865 there were no colored people in Ottawa, or is that what you have been told? A I remember it because there were only two or three families of whites there then, and no colored people at all.

Q You went there yourself in '65? A Yes sir.

Q You were then six years old? A Yes sir.

Q Do you claim that you remembered the change of the year, the ending of '65 and the beginning of '66 at that age, and that in the one year there were no colored people there and in the next year there were four families of them moved in? A Yes sir, I remember their coming there because where I come from there were no colored people.

Q Where did you live before you came to Kansas? A Ohio.

Q Might it not have been '67 instead of '66? A It might have been but I don't think it was.

( By Hastings )

Q You say you had a conversation with Martin which refreshed your memory? A Yes sir he had a conversation with me; he met me in Parsons and asked me —no, I told him I was coming down here to testify for the Nation, and we got to discussing when he came there, and he said " In the first place I came there in August of '66 " and then she said " Hold on, it was October of 1866 "

( By Smith )

Q What did Mr. Martin say in his conversation, if anything in regard to the length of time he staid there at that time? A Well he stated that the Cherokee Nation knew that he commenced suit against them somewhere along in the 70's, I don't remember what time in '70, whether

it was in '73, '72, '4 or '6, and that their records would show the dates. He said "the records will show the date I commenced that suit. I was afraid to bring my family from Kansas to the Nation" But as to what year in the '70's I don't know - I don't know if he stated exactly the year.

( By the Commission )

Q Do you know whether Dave Martin ever voted in Ottawa or not? A As to that I can't say, I was too young to mix in politics then, if it was within the last fifteen years I could tell you.

Q From the time he arrived with his family in Ottawa until he took them away some six years afterwards, did you know him and his family as steady and consistent residents of Ottawa? A Yes sir.

Q Was he living there as a man who came there from time to time or as any other regular resident? A As a man who lived there continuously.

Q Did you ever miss him for any length of time? A No sir.

( By Smith )

Q Did he have any children at that time? A I don't know whether he had any children in the first place, he had one or two born there.

Q The children he had born there when he left there were small children were they not? A Yes sir, small children.

( Smith Ewing re-called and examined by the Commission )

Q Do you know whether David Martin ever voted up in Ottawa? A No I don't know whether he did or not.

=====

This will be filed as supplemental testimony in the case of David Martin et al., C. F. D. #486, and also in C. F. D. #485, #497, #487, #488, #489, #490, #491, and #901.

\*\*\*\*\*

Chas. von Weise, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full, all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein

*Chas. von Weise*

Subscribed and sworn to before me this the 3rd of October, 1901.



Commissioner.

( C O P Y )

File with David Martin C.F.D. 486.

Department of the Interior,  
Commission to the Five Civilized Tribes  
Vinita, I.T. October, 15th, 1901.

In the matter of the application of Thomas Archer, C.F.D. 991.

Appearances:

James S. Davenport for the Cherokee Nation  
Mellette & Smith for the applicants:

CLEM V. ROGERS, being first duly sworn by Com'r T.B. Needles,  
testified as follows on the part of the Cherokee Nation.

(By Davenport)

- Q What is your name? A Clem V. Rogers  
Q Where do you live? A Claremore.  
Q What is your age? A 63  
Q How long have you lived in the Cherokee Nation? A All my life,  
except during the war.  
Q Do you know the applicant, Thomas Archer? A Yes, sir.  
Q How long have you known him? A Since '80  
Q Where was he when you first saw him to know him? A Cooweescoowee  
district  
Q Where were you in '67? A Fort Gibson.  
Q Did you have anything to do with the Roger's Salt Works on  
Grand River in '67? A No, sir  
Q Did you go there yourself or with anyone else in '67 and take  
them away from Thomas Archer or any other person? A No sir, in  
'67 I was freighting.  
Q Did you ever drive him or any one else away from them? A No, sir

(By Mr. Smith)

- Q There are several gentlemen that are Cherokee citizens by your  
name are there not? A Yes, sir.  
Q It is a right prominent name in the history of the Cherokee  
Nation? A Yes, sir.  
Q If Thomas Archer testified that you took the salt works away  
from him he was mistaken about that? A Yes, sir.  
Q You don't know when he came back? A No sir.  
Q Did you know him before the war? A I don't know that I did.

( By Davenport )

- Q There was only one Clem Rogers in the Cherokee Nation in '67  
that was a grown man? A I didn't know of any other at that time,  
there is several now.

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This will be filed in Cherokee Freedmen cases, D-901;  
D-1002; D-486; D-497; D-485; D-484; D-489; D-490; D-491; D-520;  
D-950; D-564 and D-565.

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Chas von Weise, being first duly sworn, states that as stenographer  
to the Commission to the Five Civilized Tribes he reported in full

all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(Signed) Chas von Weise.

Subscribed and sworn to before me this the 17th of October, 1901.

(Signed) T. B. Needles  
Commissioner.

Lucy M. Bowman being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes she made the above and foregoing copy and that the same is a full, true and correct copy of the original transcript.

*Lucy M. Bowman*

Subscribed and sworn to before me this 7th day of September, 1904

*H. J. Martin Jr.*  
Notary Public.

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1. The first part of the document is a letter from the President of the United States to the Congress, dated January 1, 1861. It is a formal address, and it begins with the words "My Countrymen," and "I have the honor to acknowledge the receipt of your letter of the 28th inst., and in reply to inform you that the same has been forwarded to the proper authorities for their consideration."

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1946-1947



Department of the Interior  
Commission to the Five Civilized Tribes,  
Vinita, I. T. October, 23rd, 1901.

Supplemental testimony in the matter of the application of David Martin C. F. D. 485.

Appearances:

James S. Davenport for the Cherokee Nation.  
Mallotte & Smith for the applicants.

H. C. HARRFORD being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation:

( By Davenport )

Q What is your name? A H. C. Harford.

Q Where do you live? A Ottawa, Franklin County, Kansas.

Q How old are you? A 44.

Q How long have you lived in Ottawa Kansas? Since 1885.

Q Since you have been living in Ottawa, Kansas, did you become acquainted with a colored man named David Martin? A Yes sir.

Q When did you become acquainted with him? A In the Summer of '87.

Q Have you seen the gentleman since you came down here? A Yes sir I met him on the street.

Q How long after you became acquainted with him did David Martin reside at Ottawa or near there, or about how long? A David Martin lived at Ottawa and left there about 21 years ago, 20 or 21 years ago, and from the time he came there he was there off and on all the time, I missed him for a while, and saw him for a while, he would be gone a good deal, where he was I of course don't know.

Q Did he have a family then? A Yes sir.

Q You say you met him there? A Yes sir.

Q Did you recognize him as the David Martin that you knew up there?

A Yes sir, I did.

Q Did he recognize you? A He did, for a while, after he studied he finally made up his mind who I was.

( By Smith )

Q What time did you first know David Martin? A To the best of my knowledge it was in '87; I got acquainted with David Martin when I had been there a couple of years.

Q How old were you then? A I guess I was about 11 years old.

Q How old was David Martin then? A I don't know.

Q Was he a man? A Yes sir he was a man grown when he came there.

Q You are not sure as to the year you met him in? A I don't positively swear as to the year, I know he came there about a year and a half or two years after I came.

Q That is as long as you can remember after that length of time? A Yes sir.

Q You say he was there part of the time and the other part of the time you released him? A Yes sir, probably I would see David Martin every couple of months or so.

Q You didn't see his family? A Yes sir.

Q Where? A In Ottawa there, I knew one of his daughters, the oldest one.

This will be filed in the original case and also in C. F. D. 485 and the sub-references therein.

Chas. von Walze, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full, all the proceedings in the above cases and that the foregoing is a true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this the 24th of October, 1901.

*Chas. von Walze*  
Commissioner.

(COPY)

File with David Martin, C.F.D. 486

Department of the Interior,  
Commission to the Five Civilized Tribes  
Vinita, I.T. October 23rd, 1901.

Supplemental testimony in the matter of the application of David Martin C.F.D. 486.

Appearances:

James S. Davenport for the Cherokee Nation.  
Mallett & Smith for the applicants.

H. C. HARTFORD being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee nation.

( By Davenport)

- Q What is your name? A H.C.Hartford.  
Q Where do you live? Ottawa, Franklin County, Kansas.  
Q How old are you? A 44  
Q How long have you lived in Ottawa Kansas? Since 1865  
Q Since you have been living in Ottawa, Kansas, did you become acquainted with a colored man named David Martin? A Yes, sir  
Q When did you become acquainted with him? A In the summer of '67  
Q Have you seen the gentleman since you come down here? A Yes, sir I met him on the street.  
Q How long after you became acquainted with him did David Martin reside at Ottawa or near there, or about how long? A David Martin lived at Ottawa and left there about 21 years ago, 20 or 21 years ago, and from the time he came there he was there off and on all the time, I missed him for a while and saw him for a while, he would be gone a good deal, where he was I of course don't know.  
Q Did he have a family there? A Yes, sir.  
Q You say you met him this morning? A Yes, sir.  
Q Did you recognize him as the David Martin that you knew up there? A Yes sir, I did.  
Q Did he recognize you? A He didn't for a while, after he studied he finally made up his mind who I was.

( By Smith)

- Q What time did you first know David Martin? A To the best of my knowledge it was in '67; I got acquainted with David Martin when I had been there a couple of years  
Q How old were you then? A I guess I was about 11 years old.  
Q How old was David Martin then? A I don't know.  
Q Was he a man? A Yes, sir he was a man grown when he come there.  
Q You are not sure as to the year you met him in? A I can't positively swear as to the year, I know he came there about a year and a half or two years after I came.  
Q That is as long as you can remember after that length of time? A Yes, sir  
Q You say he was there part of the time and the other part of the time you missed him? A Yes, sir, probably I would see David Martin every couple of months or so.  
Q You didn't see his family? A Yes, sir.  
Q Where? A In Ottawa there, I knew one of his daughters, the oldest one.

David Martin--2

This will be filed in the original case and also in C.F.D. 485 and the sub-references thereto.

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Chas. von Weise being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a true and correct transcript of his stenographic notes therein.

( Signed) Chas. von Weise.

Subscribed and sworn to before me this the 24th of October, 1901.

( Signed) C. R. Breckinridge  
Commissioner.

Lucy M. Bowman, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy, and that the same is a full true and correct copy of the original transcript.

*Lucy M. Bowman*

Subscribed and sworn to before me this 7th day of September, 1904.

*W. E. Martin Jr.*  
Notary Public

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I.T. April 28, 1902.

In the matter of the application of David Martin et al for enrollment as Cherokee Freedmen, D-486.

Applicants represented by Mellette & Smith.  
Cherokee Nation represented by J. S. Davenport.

HATTIE DRAKE, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A Hattie Drake.  
Q Where do you live, Mrs. Drake? A I live in Lawrence, Kansas.  
Q Did you ever live at Ottawa, Kansas? A Yes, sir.  
Q While you were living at Ottawa, Kansas, did you get acquainted with a colored man by the name of David Martin? A Yes, sir.  
Q Did he have a family at that time? A Yes, sir.  
Q Well do you know where they were living? A I don't know the street, but they lived about a block away from me.  
Q How long did they live there in Ottawa, Kansas, to your knowledge or near you in Ottawa, Kansas? A Well, lived there, I don't just, exactly know how long, but they lived in Ottawa; but I lived there well I will say sixteen or eighteen months, close to the there.  
Q Close to them? A Yes, sir.  
Q Well have you seen the David Martin that you knew there in Ottawa, Kansas, since you came down here? A Yes, sir, there he is; just now shook hands with him.  
Q When was that, before you were grown or after you were grown? A It was after I was married.  
Q After you were old enough to marry? A Yes, sir.  
Q Your name was what then? A My name was Wilson, I married a man by the name of Levi Wilson.

MR. MELLETTE: How long did you say you lived in Ottawa?  
A Lived in Ottawa about 10 years.  
Q You say you knew them there about eighteen months? A No, sir, I didn't say I knew them sixteen or eighteen months; I said I lived close to Mr. Martin about sixteen or eighteen months.  
Q Well how long did you know him? A Oh, I knowed him, I don't know how long just exactly, I knowed him that long and longer, but then I don't just know how much longer.  
Q You don't know how much longer? A No, sir.  
Q Did he live there all the time while you lived there at Ottawa? A No, sir.  
Q When did you first get acquainted with him, what year? A Well if I mistake not it was in '72, I was married in '72, and I moved to Ottawa in about four days after I was married.  
Q Well where was Dave Martin in '66? A I don't know.  
Q '67? A I don't know whether he was there in Ottawa in '67 or not, I don't know; I can't tell you just the dates.  
Q The first time you ever remember of seeing him was in say '72 or '73? A Yes, sir, along in that time, Mr. Martin was one of the first—  
Q You don't know whether he had lived in the Indian Territory and was backwards and forth to the Indian Territory or not, do you? A No, sir, I don't know nothing about that.  
Q Don't know anything about that do you? A No, sir.

COMMISSIONER: This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: D-486, D-792, and D-486, the case at bar.

Arthur G. Croninger, being first duly sworn, states that as

stenographer to the Commission to the five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

( Signed )                      Arthur G. Croninger.

Subscribed and sworn to before me this 30th day of April, 1902.

( S E A L )                      (Signed)      D. G. Reuter.  
Notary Public

Lucy M. Bowman, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy, and that the same is a full, true and correct copy of the original transcript.

*Lucy M. Bowman*

Subscribed and sworn to before me this 7th day of September, 1904

*H. C. Martin Jr.*  
Notary Public.



Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman.

Applicant appears by Mellett & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmore, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

David Martin, D 498;  
Vinnie Martin, "

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree, because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gihl of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings;

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of the attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

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The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL)

(Signed) P. G. Reuter,  
Notary Public.

-----

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

*E. C. Bagwell*

Subscribed and sworn to before me this July 29, 1902.

*P. G. Reuter*  
Notary Public.

Jae

**NOTICE TO CHEROKEE-FREEDMEN.**

On the first and second days of December, next, I will be at Alluwe, on Lightning Creek, Cherokee Nation, where between the hours of 4 and 6 P.M. each day I will be prepared to pay those Cherokee Freedmen whose names have been furnished by the Department as entitled to share in the payment of the sum of \$75,000.00 to the Cherokee Freedmen, et als.

THOSE FREEDMEN WHO APPLIED AT OTHER PAYMENTS AND WERE ADVISED THAT THEIR NAMES WERE NOT UPON THE ROLLS SHOULD NOT ATTEND THIS PAYMENT.

-----ORDERS WILL NOT BE RECOGNIZED.-----

Very respectfully,  
Leo. E. Bennett,  
U.S. Indian Agent.

Department of the Interior,  
Commission to the Five Civilized Tribes.  
Muskogee, I. T., March 7, 1903.

I, the undersigned, a member of the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of Cherokee F. D. 486.



\_\_\_\_\_  
Commissioner.

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DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of David Martin et al. for enrollment as Cherokee Freedmen, consolidating the applications of

|                         |                         |
|-------------------------|-------------------------|
| David Martin et al      | Cherokee Freedmen D 486 |
| Mary A. Leak            | Cherokee Freedmen D 486 |
| Jessie Looney et al     | Cherokee Freedmen D 487 |
| Eliza Manuel            | Cherokee Freedmen D 488 |
| William H. Martin et al | Cherokee Freedmen D 489 |
| Fred Peterson et al     | Cherokee Freedmen D 490 |
| Lourena Rowe et al      | Cherokee Freedmen D 491 |
| Charity Taylor          | Cherokee Freedmen D 491 |

D E C I S I O N.

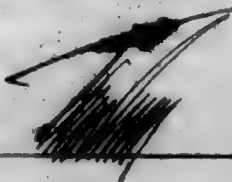
The record herein shows that applications for enrollment, as Cherokee Freedmen, were made to this Commission by David Martin for himself; by Mary A. Leak for herself; by Jessie Looney for herself and her minor children, Clarence, Coral, William, Julia, Georgia F. and Wayne Looney; that subsequent to the date of her original application a birth affidavit, which is made a part of the record herein, was filed with this Commission showing the birth of her child, Jettie Looney, on August 23, 1902; by Eliza Manuel for herself; by William H. Martin for himself and his minor children, Captola, Amanda and Charles A. Martin; that subsequent to the date of his original application a birth affidavit, which is made a part of the record herein, was filed with this Commission showing the birth of his child, Bunk Reese Martin, on November 16, 1901; by Fred Peterson for himself and his minor child, Mary T. Peterson; by Perry Rowe for his wife, Lourena Rowe, and his minor children, Inola and Aleck Rowe; that subsequent to the date of his original application a birth affidavit, which is made a part of the record herein, was filed with this Commission showing the birth of his child, Elizabeth Rowe, on April 10, 1902; and by Charity Taylor for herself. The applications of the said David Martin, William H. Martin and Fred Peterson also included their wives, Jane Martin, Carrie Martin and Lena Peterson, respectively, who claim right to enrollment as Cherokee Freedmen by intermarriage, but as the status of such claimants by intermarriage is not fixed at this time, the said Jane Martin, Carrie Martin and Lena Peterson are not embraced in this decision. The testimony taken in the case of Thomas Archer Cherokee Freedmen D 901, is filed with and made a part of the record herein.

The evidence shows that the said David Martin was the slave of a Cherokee citizen at the commencement of the rebellion; that during said rebellion he left the Cherokee nation and did not return and take up his residence therein until after February 11, 1867. All the other applicants herein were born since the commencement of the rebellion and are descendants of, and claim right to enrollment through, the said David Martin.

None of the names of the applicants herein are found on the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the applications for the enrollment of David Martin, Mary A. Leek, Josie Looney, Clarence Looney, Coral Looney, William Looney, Julia Looney, Georgia F. Looney, Wayne Looney, Fattie Looney, Eliza Manuel, William H. Martin, Captela Martin, Amanda Martin, Charles A. Martin, Bunk Reese Martin, Fred Peterson, Mary E. Peterson, Lourena Rowe, Inola Rowe, Alcock Rowe, Elizabeth Rowe and Charity Taylor, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.



Commissioner.

C. R. Beckwith,  
Commissioner.

W. E. Henry,

Commissioner.

Dated at Muskogee, Indian Territory,

this MAR - 5 1899.



Refer in reply to the following:

Land.  
19625-1891

Department of the Interior,  
Office of Indian Affairs,

Washington, July 11, 1891.

E. G. L.

A. E. M.

David Martin, Esq.,  
Coffeyville,  
Kansas.

Sir:

Referring to the evidence, filed with Agent Bennett and by him referred with favorable report on the 28th of May last, respecting your claim and that of your family to enrollment as beneficiaries under the 9th Article of the Cherokee treaty of 1866, and to participate in the distribution of the \$75,000 fund appropriated by Congress &c., you are informed that a supplemental schedule of Cherokee freedmen was approved by Acting Secretary Chandler, July 7, 1891. Said schedule contains the following, with other names, viz:-

|                          |   |   |           |
|--------------------------|---|---|-----------|
| 3264, Martin, Mary Ann,  | - | - | 27 years, |
| 3265, Peterson, Lourina, | - | - | 13 "      |
| 3266, " Charity,         | - | - | 10 "      |
| 3267, Martin, David,     | - | - | 54 "      |
| 3268, " Wm. H.,          | - | - | 18 "      |
| 3269 " Eliza,            | - | - | 19 "      |

and has been forwarded to Agent Bennett, with instructions to make payment to persons whose names appear thereon.

Very respectfully,

T. J. Morgan  
Commissioner.

R.F.T.

L.

Department of the Interior,  
Commission to the Five Civilized Tribes.  
Muskogee, I. T., March 6, 1903.

I, the undersigned, a member of the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of Cherokee F. D. 486.

Commissioner.

jpc

United States Indian Service,  
Union Agency,  
Muskogee, I. T. July 29th, 1891.

David Martin Col'd  
Ceffeyville, Kan.

Sir:

In reply to your letter of the 23rd inst I will say that the name of Josie Looney appears upon the supplemental roll of Cherokee Freedmen furnished me for payment by the Department (the same roll on which you and your family appear. The name of her son Clarence Looney does not appear. The proofs submitted by you on which the enrollment was made are not in my office but are on file in the Indian Office in Washington. I presume, however, that said proof showed that Clarence was born too late to participate in the payment. If he was born prior to March 3rd 1883 and the proof so states, advise me and I will report the matter.

Very respectfully,  
Leo E. Bennett  
U.S. Ind. Agt.

-----  
Department of the Interior,  
Commission to the Five Civilized Tribes.  
Muskogee, I. T. March 7, 1903.

I, the undersigned, a member of the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of Cherokee D. 486.

  
\_\_\_\_\_  
Commissioner.

United States Indian Service,

Union Agency,  
Muskogee, Ind. Ter.,  
October 12th, 1891.

David Martin

You are hereby advised that the name of yourself with---l--- in family, has been approved by the Department as entitled to participate in the per capita distribution of the \$75,000, appropriated by Act of Congress of October 19th, 1888.

I will make these payments every Saturday during October and November at the Agency Office in Muskogee. I will also pay this roll at Alluwee some time in November or December, whenever the Delaware payment may be made, and of which notices will be published in the newspapers. Possibly I may pay one day at Vinita about the last of November. You will be paid in person upon application; I CANNOT PAY ORDERS, nor can I mail or send the money to you. You must apply in person and sign the pay roll yourself.

Very respectfully,

Leo. E. Bennett,  
U. S. Indian Agent.

-----  
Department of the Interior,  
Commission to the Five Civilized Tribes.  
Muskogee, I. T., March 6, 1903.

I, the undersigned, a member of the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of Cherokee F. D. 486.

  
\_\_\_\_\_  
Commissioner.

COPY.

Cherokee Freedmen  
D-486

Muskogee, Indian Territory, March 25, 1904.

David Martin,

Coffeyville, Kansas.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for enrollment as a Cherokee freedman, together with a copy of the Commission's decision, dated March 5, 1904, rejecting, among others, your said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

*J. B. Needles.*

Register

Enc. D-86

Commissioner in Charge.

Refer in reply to the following:  
Land. 21067-1904.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, August 13, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized tribes, dated March 25, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen, by David Martin for himself; by Mary A. Leek for herself; by Josie Looney for herself and her minor children, Clarence, Coral, William, Julia, Georgia F., Jettie and Wayne Looney; by Eliza Manuel for for herself; by William H. Martin for himself and his minor children, Captola, Amanda, Charles A. and Bunk Roscoe Martin; by Fred Peterson for himself and his minor child, Mary T. Peterson; by Perry Rowe for his wife, Laurena Rowe, and his minor children, Inola, Aleck and Elizabeth Rowe.

March 5, 1904, the Commission decided adversely to the applicants.

The record shows that the principal applicant, David Martin, was the slave of a Cherokee citizen, and escaped from his master prior to the war and did not return to the Cherokee Nation prior to February 11, 1867.



The other applicants' sole title to enrollment is based on that of David Martin.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

W. A. Jones,

Commissioner.

K.M.M.

W.

W. P.

THE

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

I.T.D. 6494-1904..  
D. C. 30:65-1904.

August 18, 1904.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

March 25, 1904, you transmitted the record in the consolidated Cherokee freedman case of David Martin, et al (D-486), including your decision dated March 5, 1904, rejecting the applicants.

Reporting in the matter August 13, 1904, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos Ryan,

Acting Secretary.

1 inclosure.

COPY.

Cherokee Freedmen

D-486,

Muskogee, Indian Territory, August 29, 1904.

David Martin,

Coffeyville, Kansas.

Dear Sir:

You are hereby advised that the Commission's decision dated March 5, 1904, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on August 18, 1904.

Respectfully,

(SIGNED).

*Tame Bixby.*

Chairman.

COPY.

Cherokee Freedmen  
D-486-487-488-489-  
490-491-492-493.

Muskogee, Indian Territory, September 1, 1904.

Hastings, Bell & Davenport,  
Attorneys for the Cherokee Nation,  
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision, dated March 8, 1904, rejecting the applications for the enrollment of David Martin; Mary A. Leck; Jessie, Clarence, Coral, William, Julia, Georgia F., Wayne and Feltie Leoney; Eliza Marshall; Fred and Mary T. Peterson; Charity Taylor; William H. Captala; Amanda, Charles A. and Bank Mascoe Martin; Laura, Inela, Aleck and Elizabeth Howe as Cherokee freedmen, was affirmed by the Secretary of the Interior on August 16, 1904.

Respectfully,

(SIGNED) *Tamr Bixby.*  
Chairman.

COPY

Cherokee Freedman  
446.

Muskogee, Indian Territory, December 13, 1904.

William H. Martin,  
Goffeyville, Kansas.

Dear sir:

The Commission is in receipt of Departmental letter of December 1, 1904, transmitting to the Commission your motion for rehearing in the matter of the application for the enrollment of David Martin, et al., as Cherokee Freedmen, heretofore filed with the Department, together with affidavits in support thereof, with instructions to return the same to you.

The Commission is further requested to advise you that the Department considers the affidavits insufficient to warrant the granting of a rehearing, and that to be granted a rehearing you must submit more definite affidavits than those submitted with this motion.

Respectfully,

(SIGNED) *Tams Bixby.*  
Chairman.



D. C. 43690-1905.  
I.T.D. 6494-1904.  
861-1905.

LRS

W.C.F.  
Y.P.  
LLB

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

September 13, 1905.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

The Department has considered a motion to reopen the Cherokee freedman case of David Martin et al, in which case the Department on August 18, 1904, affirmed the decision of the Commission to the Five Civilized Tribes, rejecting the applicants.

The motion for review is filed by the attorneys for the applicants, and is based on the ground that the former decisions are contrary to the law governing such cases and is not warranted by the facts as shown by the record. With said motion is filed the affidavits of Daniel Tucker and Fred Martin.

Considered in connection with the record the motion and affidavits submitted are not sufficient to justify the Department in reopening the case. The motion is therefore denied, and you will so notify the proper parties.

The motion is inclosed herewith.

Respectfully,

(Signed) Thos Ryan  
Acting Secretary.

1 inclosure.

P. C. 43890-1905.  
I. T. D. 6494-1904.  
881-1905.

LRS

W. C. F.  
H. P.  
L. B.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

September 13, 1905.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

The Department has considered a motion to reopen the Cherokee freedman case of David Martin et al, in which case the Department on August 18, 1904, affirmed the decision of the Commission to the Five Civilized Tribes, rejecting the applicants.

The motion for review is filed by the attorneys for the applicants, and is based on the ground that the former decisions are contrary to the law governing such cases and is not warranted by the facts as shown by the record. With said motion is filed the affidavits of Daniel Tucker and Fred Martin.

Considered in connection with the record the motion and affidavits submitted are not sufficient to justify the Department in reopening the case. The motion is therefore denied, and you will so notify the proper parties.

The motion is inclosed herewith.

Respectfully,

1 inclosure.

(Signed) Thos Ryan  
Acting Secretary.

D. C. 43690-1905.  
I.T.D. 6494-1904.  
SAL-1905.  
LRS

W.C.F.  
Y.P.  
LLB

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

September 13, 1905.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

The Department has considered a motion to reopen the Cherokee freedman case of David Martin et al, in which case the Department on August 13, 1904, affirmed the decision of the Commission to the Five Civilized Tribes, rejecting the applicants.

The motion for review is filed by the attorneys for the applicants, and is based on the ground that the former decisions are contrary to the law governing such cases and is not warranted by the facts as shown by the record. With said motion is filed the affidavits of Daniel Tucker and Fred Martin.

Considered in connection with the record the motion and affidavits submitted are not sufficient to justify the Department in reopening the case. The motion is therefore denied, and you will so notify the proper parties.

The motion is inclosed herewith.

Respectfully,

1 inclosure.

(Signed) Thos Ryan  
Acting Secretary.

Cherokee Freedmen

R-445, et al.

Muskogee, Indian Territory, September 22, 1906.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that this office is in receipt of Departmental letter of September 13, 1906, denying the motion of Blue & Bulger to have reopened the Cherokee Freedmen enrollment case of David Martin, et al., (C.F.R-445-4-6-7-8-9-50-51).

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

LS

Incl. 3-25

Acting Commissioner.

Cherokee Freedmen

B-445, et al.

Muskogee, Indian Territory, September 22, 1905.

Blus & Bulger,

Attorneys for David Martin, et al.,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that this office is in receipt of Departmental letter of September 13, denying your motion to have reopened the Cherokee Freedmen enrollment case of David Martin, et al.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

LS

Acting Commissioner.

Incl. 3-24



REPLY TO THE CHAIRMAN  
**Cherokee Freedmen**

B-445.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, September 22, 1905.

David Martin,  
Coffeyville, Kansas.

Dear Sir:

You are hereby advised that this office is in receipt of Departmental letter of September 13, 1905, in which the motion filed on your behalf to have reopened the Cherokee freedmen enrollment case of yourself, et al., is denied.

Respectfully,

W. O. Beall

Acting Commissioner.

D. C. 52011-1905.

( C O P Y )

J.W.H.  
FHE

I.T.D. 14844-1905

L R S

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

November 13, 1905.

Commissioner to the Five Civilized Tribes  
Muskogee, Indian Territory.

Sir:

You are advised that a motion to reopen the Cherokee freedman enrollment case of David Martin, et al., has been filed in the Department.

See departmental letter of September 13, 1905, to you.

Respectfully,

(Signed) THOS RYAN

First Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

D. C. 52744-1905.  
I.T.D.14844-1905.  
LRS

(COPY)

J.W.H.  
FHE.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

November 18, 1905.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

The Department is in receipt of a letter dated October 30, 1905, addressed to the Attorney General of the United States, from William H. Martin, of Vann, Indian Territory. This letter is in the nature of a motion for rehearing in the matter of the Cherokee freedman case of David Martin, et al., to which the said William H. Martin is a party applicant.

Neither this motion nor the affidavits filed in support of it bear evidence of service upon the attorney for the Cherokee Nation. Accordingly, all the papers filed with Mr. Martin's letter are inclosed herewith to be returned to him.

He asks to be advised what further steps should be taken to secure his enrollment. From the records of the Department it appears that a decision adverse to the applicants in the case of David Martin et al., was rendered by the Department August 18, 1904. A motion to reopen this case was denied by the Department September 13, 1905. The Department finds that the motion now under consideration does not warrant a reopening of the case;

said motion is accordingly denied.

In advising Mr. Martin hereof it is requested that you explain to him carefully the requirements with which he must comply if he submits a motion for rehearing in his case or for review of the Department's action therein.

Reference is here made to Departmental letter of November 15, 1905, relating to this case.

Respectfully,

(Signed) Thos Ryan.  
First Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

3 inclosures.

Cherokee Freedmen

B-648.

Washago, Indian Territory, December 1, 1905.

William W. Martin,

Wann, Indian Territory.

Dear Sir:

In connection with the Cherokee Freedmen enrollment case of yourself, et al., you are advised that this office is in receipt of Departmental letter of November 18, referring to a communication from you, dated October 20, 1905, addressed to the Attorney General of the United States, in the nature of a motion for rehearing in the matter of the Cherokee Freedmen case of David Martin, et al., to which you are a party applicant. You are advised that the motion is denied by the Department for the reason that neither it nor the affidavits filed in support of it bear evidence of service upon the attorneys for the Cherokee Nation, and for the further reason that the Department finds that the motion does not warrant a reopening of the case.

You are further advised that it has been the practice of the Department to only grant motions for review, or for reopening of Cherokee enrollment cases, where it is shown that the decision was contrary to the law and evidence, or where new evidence has been discovered that is material to the case and would probably change the status of the applications for enrollment.



-2-

If you can point out wherein the decision of the Department is rejecting your application for the enrollment of yourself, at all, as Cherokee freedom is erroneous, you may file a motion for Review of Departmental decision referred to, and the same will receive due consideration. If you are in possession of newly discovered evidence that is material to your case, you may advise this office of the same, stating in detail all the facts you can establish in the event of a reopening of your case and have your motion supported by affidavits of the witnesses whose testimony you desire to introduce, indicating therein fully the facts to which they will testify, evidence of service on the attorneys for the Cherokee nation of copies of all papers filed to be furnished, and the same will be forwarded, with recommendation, for the consideration of the Secretary of the Interior.

The motion filed by you with papers attached are returned herewith.

Respectfully,

Incl. 5-8

Acting Commissioner.

(COPY)

G.R.

DEPARTMENT OF THE INTERIOR, LIE  
WASHINGTON.

L.R.S.

I.T.D. 6494-1904.

November 3, 1906.

881-1905.

8833- "

8723- "

7787-1906.

12563- "

12623- "

18390- "

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

The Department has carefully considered, in connection with the record, motions for reopening the consolidated Cherokee freedman case of David Martin et al., filed September 7, 1905 (I.T.D. 8833, 8723), and June 23, 1906 (I.T.D. 7787), on behalf of Jesse Leoney et al.

The principal applicant, David Martin, a former slave of a Cherokee citizen, from whom he escaped and scouted in the woods of the Indian Territory until the outbreak of the civil war, when he joined the army and afterwards became a resident of the State of Kansas, is not shown to have actually returned and established a personal bona fide residence in the Cherokee Nation on or before February 11, 1867, as required by section 3 of the act of Congress approved April 26, 1906 (34 Stat., 137).

The Department sees no reason to disturb its decision of August 18, 1904 (I.T.D. 6494), denying the application for the enrollment of any applicant claiming through the said David Martin, as do the moving parties herein. The Department still adheres to its decision of August 18, 1904, adverse to such applicants, and said motion for a reopening and reconsideration is hereby denied.

You will advise moving parties and their attorneys of this action.

The record has this day been returned for the files of the Indian Office.

Respectfully,

(Signed)

H. A. Hitchcock,  
Secretary.

Through the Commissioner  
of Indian Affairs.

7 inclosures.

(COPY)

G.R.

DEPARTMENT OF THE INTERIOR, LLB  
WASHINGTON.

L.R.S.

I.T.D. 6494-1904.

881-1905.

8832- "

8723- "

7757-1906.

12562- "

12623- "

15390- "

November 3, 1906.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

The Department has carefully considered, in connection with the record, motions for reopening the consolidated Cherokee freedman case of David Martin et al., filed September 7, 1905 (I.T.D. 8832, 8723), and June 23, 1906 (I.T.D. 7757), on behalf of Jessie Leoney et al.

The principal applicant, David Martin, a former slave of a Cherokee citizen, from whom he escaped and hunted in the woods of the Indian Territory until the outbreak of the civil war, when he joined the army and afterwards became a resident of the State of Kansas, is not shown to have actually returned and established a personal bona fide residence in the Cherokee Nation on or before February 11, 1867, as required by section 3 of the act of Congress approved April 26, 1906 (34 Stat., 137).

The Department sees no reason to disturb its decision of August 18, 1904 (I.T.D. 6494), denying the application for the enrollment of any applicant claiming through the said David Martin, as do the moving parties herein. The Department still adheres to its decision of August 18, 1904, adverse to such applicants, and said motion for a reopening and reconsideration is hereby denied.

You will advise moving parties and their attorneys of this action.

The record has this day been returned for the files of the Indian Office.

Respectfully,

(Signed) H. A. Hitchcock,  
Secretary.

Through the Commissioner  
of Indian Affairs.

7 inclosures.



Cherokee Freed.  
No. 445, et al.

Muskogee, Indian Territory, November 14, 1906.

Hine & Bulger,

Attorneys for David Martin and others.

Baxter Springs, Kansas.

Gentlemen:-

You are hereby advised that your motions filed September 7, 1905, and June 23, 1906, for a rehearing in the Cherokee freedmen cases of Davis Martin, et al. and Jessie Leoney, et al., were denied by the Department November 3, 1906.

For your information there is enclosed a copy of the Department's decision.

Respectfully,

Inc.-2-14-LGG.

Commissioner.

Cherokee Freed.  
H-455, et al.

Waskagee, Indian Territory, November 12, 1906.

W. V. Hastings,

Attorney for Cherokee Nation,

Waskagee, Indian Territory.

Dear Sir:-

There is enclosed a copy of the Department's decision of November 2, 1906, denying the motions filed September 7, 1906, and June 25, 1906, for a rehearing in the Cherokee freedmen cases of Davis Martin and others and Josie Leoney and others.

Respectfully,

Commissioner.

Enc.-1-12-100.

REFER IN REPLY TO THE FOLLOWING:

Cherokee Freed.

B-445.

DEPARTMENT OF THE INTERIOR.  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.



Muskogee, Indian Territory, November 14, 1906.

David Martin,

Coffeyville, Kansas.

Dear Sir:-

You are hereby advised that motions for rehearing of your Cherokee freedman case, filed by your Attorneys September 7, 1905, were denied by the Department November 3, 1906.

Respectfully,



Commissioner.

# AFFIDAVIT.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
NORTHERN DISTRICT.

} ss

In the matter of the application of David

Martain for enrollment as a Cherokee Freedman.

No. F. D. 486

Henry Pack, of lawful age, being duly sworn on  
oath states that on the 17<sup>th</sup> day of Sept

to David Martain whose postoffice is Coffeyville Kan

~~Indian Territory~~ a notice, a true copy of which is attached to this affidavit, and he hereto  
attaches the receipt of the Postmaster at Fort Gibson Indian Territory;

and that on the 20 day of September, 1901, he received the return  
card which is hereto attached, signed by the said David Martain, showing  
that he had received said notice.

Subscribed and sworn to before me on this the 20 day of Sept A. D. 1901.

Henry Pack  
J. C. Starr  
Notary Public.

7  
No. 486

INDIAN TERRITORY,  
CHEROKEE NATION.

I hereby certify that I served the with-  
in notice on .....

by delivering a true copy thereof on the  
..... day of ..... A. D. 1901

Given under my hand this .....  
day of ..... A. D. 1901.

.....  
Marshal for the Cherokee Nation.

I, the undersigned attorney for the  
within named applicant hereby accept  
service of the within notice on this the  
..... day of ....., 1901.

.....  
Attorney for applicant.

UNITED STATES OF AMERICA, }  
INDIAN TERRITORY, } s. s.  
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a  
true copy of the within notice to .....

.....  
on the ..... day of ..... A. D. 1901

.....  
Subscribed and sworn to before me  
this ..... day of ..... A. D. 1901.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**  
SEP 21 1901

 ACTING CHAIRMAN



## NOTICE!

*IN THE MATTER OF* the application of David Martin  
for enrollment as a Cherokee citizen:

Case No. D. 486

To David Martin Coffeyville Kans.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory.

Indian Territory, on Oct. 24 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 16 1901

L. B. Bell  
D. W. Hudson  
Attorneys for the Cherokee Nation.

# **NOTICE.**

## **Cherokee - Freedmen - Enrollment.**

The Commission to the Five Civilized Tribes will continue in session at

### **MUSKOGEE, IND. TER.,**

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

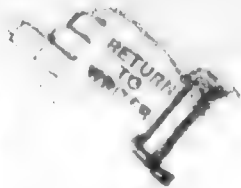
Mr. David Martin,  
Coffeyville, Kansas.  
Cherokee F-D-486  
Register.

TAMS BIXBY,  
T. B. NEEDLES,  
C. R. BRECKINRIDGE,  
Commissioners.

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



GENERAL DELIVERY.  
SEP 21 1905

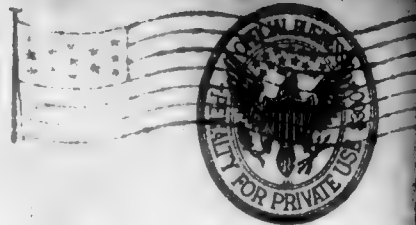


David Martin  
Coffeyville, Kansas.

Department of the Interior.

Commissioner to the Five Civilized Tribes,

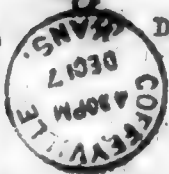
MUSKOGEE, IND. TER.



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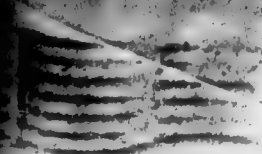
David Martin,

Coffeyville, Kansas.









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COMMISSIONER OF THE FIVE CIVILIZED TRIBES  
DEPARTMENT OF THE INTERIOR

Aug 18 1881

RECEIVED

What county did you get it in, what town? A Ottawa.  
Mr. Bell: What year was that in? A I can't tell you nothing  
about that.

Commissioner: Mary Ann Leak applies for the enrollment  
of herself. She is not identified upon the authorized  
roll of 1880, but is identified upon the Kerr-Glifton and  
Whitlock rolls, as Mary Ann Martin, that having been her  
maiden name. She avers that she is the child of David Martin.  
She will be listed for enrollment as a Cherokee Freedman  
on a probation card, and will be notified of the decision of  
the Commission, when arrived at, by mail.

\*\*\*\*\*

Bruce C. Jones, being duly sworn, says that as stenographer to  
the Commission to the Five Civilized Tribes he correctly recorded the  
proceedings and testimony in the above case, and the foregoing is a  
true and complete transcript of his stenographic notes thereof.

Sworn to and submitted before me this the 9th of August, 1881.

Commissioner

File with *Josie Looney, C.F. No 487*

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Chelsea, I.T., June 8, 1901.

In the matter of the application of Mary Ann Leak for enrollment as a Cherokee Freedman.

Mary Ann Leak, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A My name is Mary Ann Leak now.  
Q How old are you? A I am 37 years old.  
Q What is your postoffice address? A Nowata.  
Q What district do you live in? A Well, I don't know.  
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.  
Q Who do you want to enroll besides yourself? A I have three children.  
Q Under age? A No, sir.  
Q They are all married? A Yes, sir.  
Q Are you married yourself? A Yes, sir.  
Q Is your husband a citizen? A Yes, sir.  
Q Has he been enrolled? A No, sir.  
Q Why isn't he here to enroll with you; is he here? A Yes, sir, he is here.  
Q Do you want to enroll him? A No, sir, he will enroll himself I suppose.  
Q Is your name on the roll of 1880? A No, sir, I guess not.  
Q Is your name on any of the Cherokee rolls? A Yes, sir, it is on the Wallace.  
Q Did you draw what is known as the Kern-Clifton money? A Yes, sir.  
Q Did you draw your Kern-Clifton money under the name of Leak?  
A No, sir, I wasn't married to him then, I drew under the name of Martin.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.

The Kern-Clifton roll examined and the applicant identified thereon page 170, No. 4195, Cooweescoowee district, as Mary Martin.

The Wallace roll examined and the applicant identified thereon, page 175, No. 5284, Cooweescoowee district, as Mary Ann Martin.

- Q What is your father's name? A David Martin.  
Q Is he living? A Yes, sir.  
Q What is your mother's name? A Jane Martin.  
Q Is she living? A Yes, sir.  
Q Where were you born? A I can't tell you, you will have to see my father about that, I can't tell you anything about that, I don't know.  
Q Where were you raised? A In the Territory.  
Q In the Cherokee Nation? A Yes, sir.  
Q That the first place you can recollect? A Yes, sir.  
Q Well now, have you got any witnesses as to your citizenship?  
A My father.  
Q Is he a citizen? A Yes, sir.

DAVID MARTIN, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A David Martin.  
Q How old are you? A I am 64.

Q What is your postoffice? A Coffeyville.  
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir, I have been.

Q Is your name on the roll of 1880? A No, sir.

Q Do you know Mary Ann Leak? A Yes, sir.

Q What relation is she to you? A My daughter.

Q Is she a Cherokee citizen? A Yes, sir, she has been so recognized.

Q Does she get her citizenship through you? A Yes, sir.

Q Have you been enrolled yet? A No, sir, not this time.

Q What is your owner's name? A My true owner was named John Martin, but I lived with Joe Martin, his uncle, who was his guardian when his father died in an early day and his uncle was the guardian for him.

Q Was he a Cherokee citizen? A Yes, sir.

Q Were you taken out of the Cherokee Nation during the war?

A No, sir, I was in the woods scouting about the breaking out of the war; yes sir, I belonged to him up to the war.

Q Did you remain in the Cherokee Nation during the war? A No, sir, I remained until February, 1861, in the woods, and then I went to Iowa in '61 and stayed there till '63, I married there in '62, and then went in the army and stayed in the army until the fall of '64 and then was discharged and returned back home in October, '66.

Q Have you been living here ever since? A No, sir, I went back to Iowa for my family, I married there and left this girl and my wife there when I went in the army, and went back there and got them and brought them back through in the fall of '66, '67 in Kansas, and left them there, and I came here and kept my children there until about 26 years ago I guess, then I came back here and I moved my family down here.

Q Well, 26 years ago; you have been living here for the last 26 years? A Yes, sir, most of the time.

Q Where was Mary Leak born? A She was born in Iowa.

Q Where were you married? A Married in Iowa.

Q That was in what year? A In '61.

Q Then you came back yourself to the Cherokee Nation in '66?

A Came back from the army when I was discharged, came here and came on home.

Q You didn't bring your family until 26 years ago? A I brought my family to up to Kansas, up to Ottawa.

Q But you didn't move them back to the Cherokee Nation until 26 years ago? A No, sir, I didn't bring them all back till 26 years ago.

Q Then you didn't live here in the Cherokee Nation absolutely not until 26 years ago? A Yes, sir, pretty near all the time, I was here in '73 and '4 and '5.

Q Well, where was you from '66 until '73? A I was partly in the Nation, I was scouting judge, the truth of it, I was in the woods; that is the reason I didn't bring my family back, they were trying to kill me.

Q Did you occupy any property or get any land or make a home here?

A Yes, sir, I had a home, had hogs and cows here all the time.

Q From '66? A Yes, sir, with my sister, right of that man's (Mr. Bell) house, east of where he lived.

Q Have you any other grown children besides Mary Ann? A I have four children, three girls and one boy.

Q What are their names? A One is named Josie Looney and the other is named Eliza and the other one is named Willie.

Q Are they here? A Yes, sir, all here.

Q Were they all born in Iowa? A No, sir, there was two born here and one in Kansas; two in Kansas and one here, and the grandchildren were all born here.



Q Are there any other facts in relation to your citizenship which you desire to state? A Nothing more than to prove I was here in '60, came through here in '60.

By W. W. Hastings, Cherokee Attorney: you were married in '61? A Yes sir.

Q In Iowa? A Yes, sir.

Q How come you to go to Iowa? A I got in trouble here at home.

Q How long before the war? A Got in trouble in the fall of '59 and winter of '60 and the winter of '60 I went in the woods.

Q The truth of the matter, you run away from here in '58?

A No, sir, I was here in '58.

Q Are you sometimes known as Wiley? A That is my name, sir.

Q You belonged to Dick Martin's father? A John Martin's father.

Q Well, what relation was he to R. L. Martin? A Well Dick Martin was R. L. Martin and when Gabe Martin went to California he made Dick the guardian of John.

A Did you belong to Dick Martin? A No, sir, John Martin.

Q Well, Joe Martin had charge of you? A Yes, sir, I was off an orphan child's property.

Q And you ran away in about the year 1858? A No, sir, I ran off the winter of '59 or '60.

Q Winter of '59? A Yes, sir, '59 and '60.

Q Where did you go? A Went in the woods, I was scouting.

Q You went to Iowa? A No, sir, I didn't go to Iowa.

Q You were married in '61? A Yes, sir, I left here '61 when they were trying to catch me.

Q How long had you been acquainted with your wife when you married her? A About four months.

Q What time of the year '61 did you marry her? A Married her July 14, 1861.

Q How long had you been in Iowa when you were married? A About four months, been there about two months before I got acquainted with her.

Q And you were in Iowa when the war came up? A No, I was here in the Nation when the war came up, up in the neutral lands scouting.

Q You were in Iowa four or five months before you married? A No, sir, I wasn't that long, because I married about four months after I got acquainted, and I went there in March in the city where she lived.

Q In March of '61? A Yes, sir.

Q Well, this applicant was born in Iowa? A Yes, sir, born in Iowa.

Q Who came back with you to the Cherokee Nation after the war?

A I came back myself, I tell you I come from the army, I come right through here from the army.

Q Where were you discharged? A Discharged at Shreveport, Louisiana, and mustered out at Baton Rouge, and then sent to New Orleans and paid off.

Q Where did you go from there? A Went home, come right up the Mississippi river until I got to a little town at the mouth of the Arkansas, and then I took the Arkansas and run up to Little Rock, and from Little Rock to Fort Smith, and from Fort Smith to Fort Gibson and there I took the military wagon and come from there home, went on from there to Kansas and when I come through here there wasn't anybody here.

Q Not anybody here? A Some few in Gibson.

Q Who did you see at Gibson? A Didn't know anybody but Irvin Vann and saw Jim Alberty after I got up on the prairie.

Q What prairie? A On the military road right along from Gibson to Fort Scott.

Q Did you know him before the war? A Yes sir.

Q Did you stop and have any talk with him? A I stopped and had a talk with him, and we camped by his house.

Q Where was Jim living? A Close to Miss Alberty's place.

Q When was that? A In '66.

Q What time in '66? A October, '66.

Q Then where did you go? A I went from there on to Leavenworth and from Leavenworth.

Q You went right on through this country to Leavenworth? A Yes, sir, and stopped a while, I stayed around there three or four days until I could get a government wagon for home.

Q You went to Fort Leavenworth then? A Yes, sir.

Q How long did you stay there? A I didn't stay there any longer than till I could get a steamboat to go up the river.

Q To Iowa? A Yes, sir.

Q You found your family up there? A Yes, sir, found my wife and child.

Q Well, I believe you stated you brought them down to Kansas?

A Yes, sir.

Q How long did your wife live there in Kansas? A Well I don't know, she was there two years she was under the doctor, they couldn't move her any way, had to lift her around in quilts; kept her there under a doctor two years and maybe two and a half, until they could get her cured, had to send back to Ohio to get a doctor to cure her.

Q Well, where did you first permanently locate in the Cherokee Nation? A I permanently located first, I took my claim right side of my sister's on Grand River close to my old home.

Q Close to the mouth of Cabin Creek? A Yes, sir, above the mouth of Cabin Creek.

Q About how far? A About three miles, or four.

Q When did you take that claim? A I took that claim in '73.

Q Did you live on it then? A Yes, sir, I improved it, put up some logs and a foundation on it.

Q Bring your family down then? A I went back and got them after I put the claim in.

Q Is that the first time you had ever come to Cabin Creek after the war? A No, sir, I traveled right through Cabin Creek as I was going home.

Q You testified five years ago that you came and located near the mouth of Cabin Creek in '66? A No I didn't.

Q You deny that now? A Why I sure deny it, I told you plain, you know I did.

Q Where did you have your cows? A Had them at sister Betty's.

Q When did you put them down there? A Put them down there, I don't recollect.

Q In 1873? A No, I put them there before '73; I put them there in '72 or '71; I was down there all them years.

Q But your wife and your children, your family, was in Kansas?

A Yes, sir, I left them up in Kansas.

Q How far did you locate from where Mr. Bell lives? A About three miles I reckon, or four miles.

Q How old is your second child, the next one to this applicant?

A I don't know, she is five or six years younger than this one; six or seven; my wife was sick all the time until I --

Q Just the exact age? A I don't know just exactly the age.

Q Now how old is the third child? A She is about 29 I guess.

Q She born in Kansas? A Yes, sir, born in Kansas.

Q Did you work for Frank Cousins in the year 1866? A I and Beck Hurrington and Ben Sanders, my brother Spence, came down in '66 in the winter, in January, '66, and chopped some wood for Lewis Hall, and I went back in March, '67; in '67 we came down, January, '67 is what I told you we did, we came down January, '67, and chopped wood for Lewis Hall and went back home where my family was in March, '67.

Q Mr. Bell lived there then? A Yes, sir, he was living there.  
Q You are certain of that? A Yes, sir, I know it.  
Q Well, he never came there till May, 1867; I am just telling you that. A Well he was living there in the Nation, I don't know whether he was living at his house or not.

JIM ALBERTY, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Jim Alberty.  
Q How old are you? A 70 years old.  
Q What is your postoffice? A Ghoutagu.  
Q Do you know Mary Ann Leak the applicant here; used to be Mary Ann Martin, or Mary Ann Peterson? A I don't know her by that name.  
Q Do you know Dave Martin? A Yes, sir.  
Q How long have you known him? A Ever since we were both boys.  
Q Was he a slave? A Yes, sir.  
Q Who did he belong to? A Old Joe Martin.  
Q Was he a Cherokee? A Yes, sir.  
Q Well, when was the first time you saw Dave Martin after the war between the north and south? A At my house.  
Q When? A In 1866.  
Q What time in '66? A Well, I don't know for certain; it might not have been in the fall.  
Q Was he married then? A Didn't have no woman there.  
Q How long have you known him since that; have you known him since that? A Ever since that.  
Q Has he lived in the Cherokee Nation continuously since that time? A Everywhere I saw him it was in the Nation, never saw him out.  
Mr. Packer: Jim, you know he hasn't been living here? A I don't know anything about that, I tell you he come to my house in '66, he come to my house and I went with him to where an old white man sold whiskey and get me a lot of whiskey and come back; I don't know where he went from that.  
Q You haven't seen him for a long time? A It might have been a year after that, before I saw him; I wasn't particular.  
Q Where did the white man live that you got the whiskey from? A Lived right there the other side of Russell Creek.  
Q Went all the way up there? A Yes, sir; he said he was going for his family.  
Q Was he on horse back too? A Yes, sir.  
Q But he testified that he came in the government wagons? A Well he did after he got up there I guess; I don't know about that.  
Q Well, at Fort Gibson? A I don't know; that is at home.  
Q Where were you living? A You know where the old place that old Baugh owns that you call the Nancy Markham place; I was living right there, it was my house.  
Q Do you know the time of the year? A It was in the fall as well as I recollect, fall or summer.  
Q Was that the only time you saw him in '66? A I don't know but what it was.  
Q Well, you have been thinking over the matter? A No, I have never thought over the matter.  
Q You know you were going to be a witness for him? A I guess I am now, when they called me; I don't have to hear what any man says when I come to tell what I know.  
Q You testified for him five years ago? A Yes, sir.  
Q You testified then you knew he was working for Frank Consine? A No I didn't.

Q Do you deny that now? A Yes, sir, I was working for Frank Consine.

Q At the time you saw him? A Not exactly at the time but I had been working for Frank and Henry Elder was working for me on this place.

Q Do you know where Dave's family was when you saw him? A No, I didn't know anything about his family, I didn't know he had one at that time; Frank told me himself, I was at his house at that time.

Q How do you know? A I heard him.

Q You were sitting right there? A I was sitting where you had me.

Q When did you see his family first? A It was a year or more after I saw him here, that is at my house.

Q Do you think you saw his family here within a year? A Well, it might have been, of course I didn't keep any record of it, I never thought about him until I saw him.

Q I want you to say now how long after you saw him until you saw his family? A Maybe a year or more.

Q How much more? A I don't know.

Q You think it has been as much as six or eight years? A I can't say that because I don't know.

Q You applied for enrollment yourself at Vinita? A Yes, sir, I did.

Q You are the man that Mr. Lindsey testified was sold out of here before the war? A Yes, sir, he did, and didn't testify the truth either.

Q But you joined the army at Little Rock? A Yes, sir.

Q Mr. Lindsey said you were sold out down below Little Rock? A Old Lindsey don't know any more about me than a rabbit.

Q You have been pretty near all over the Cherokee Nation in '88?

A Yes, sir, I was pretty near all over it, every place I could get whiskey to sell I went there, that is how come I was all over it.

Q What year is this? A Well I can't tell you that.

Q You don't know one year from another, do you? A No, nobody has never told me what year this is.

Q Yet you remember what happened 35 years ago? A People that has sense, knows the dates, and told me of that.

Q But they never told you a year since that? A No, sir, never asked nothing about it, because I didn't care, never had a thought nothing about the dates or anything else since; it was told me and I was satisfied I was inside of the treaty and I noticed everybody else I seen was inside until that year was out, then I never kept no record since because I thought them come home after that was cut, and I didn't pay no attention to them.

Q Where did you first see this family, at what point? A I can't tell you that, I don't know that.

Q You don't know then where you saw his family? A No, sir, I don't know, I don't recollect.

Q And you don't know how many years? A No sir, I don't.

Q Do you know when you first next saw Dave? A No, I don't know as I can place where I next saw him; the way I recollect him now I went with him.

MARY ANN LEAK, recalled, testified:

Commissioner: Have you any children? A Yes, sir.

Q How many? A Three.

Q They are all married, are they? A Yes, sir.

Mr. Hastings: Where were you married first? A I was married, I can't tell you the place, it was in the states though, the first time I married.

Q What was your husband's name? A It was an Indian.

Q What was that Indian's name? A Peterock.



Q Were you living with your mother at the time you married?

A Yes, sir.

Q What was the date of your marriage? A I can't tell you about that.

Q About how old were you? A I can't tell you that either.

Q I mean when you married? A Well I don't know exactly myself, father can tell you.

DAVID MARTIN, recalled, testified:

Mr. Hastings: About how old was your daughter when she married first, as much as 18 or 20? A She was 16 I think.

MARY ANN LEAK, recalled, testified:

Mr. Hastings: Were you married but the one time? A I have been married the third time.

Q What is your oldest child's name? A Lourena.

Q Where was Lourena born? A She was born, I don't recollect that either now; you will have to ask father that question.

Q You are the mother of that child? A Yes, sir, I am her mother, but I don't know what year she was born or where we were living at.

Q Born in Kansas? A We were living in Kansas when she was born.

Q What is your next child's name? A Charity.

Q Was she born in the Territory? A Yes, sir.

Q Where? A Up there away up above where we first lived, I don't know where at.

Q That is when you first came into the Territory? A Yes, sir.

Q Now how old is the second child? A I don't know that either, I never kept no account of nothing of the dates, my father attended to that.

Q Did you come in when your mother came? A Yes, sir, I came with my father and mother.

Commissioner: What was your first husband's name? A Peterson.

Q What was your second husband's name? A King.

Q Is he living? A I don't know, sir, whether he is or not.

Q Your first husband? A I don't know that either.

Q Were you divorced from both of them? A Yes, sir.

Mr. Hastings: Where were you married to King, your second husband? A Down here at Lightning Creek at Campbell's office.

Q Where were you divorced from Peterson? A In the states.

Q Kansas? A Yes, sir, where I married him.

Q Who was the father of the second child? A Peterson; I have no children by any man except my first husband.

Q Those three children must have been born in Kansas? A No, sir, wasn't all born in Kansas.

Q You got a divorce from him in Kansas? A Yes, sir.

Q Did you go back to Kansas after you came back here? A Yes, sir.

Q How long had you lived here when you returned to Kansas? A When I went back, I didn't exactly know.

Q A month? A I guess must be longer than that.

Q Well, from your best judgment? A Well, I can't tell you, my father will have to tell you about that because me being quite young, I never paid no attention to nothing of that kind.

Q You can state whether you stayed here longer than a month when you first came down here, before you went back? A Yes, sir, I guess something over a year before I went up.

Q How long did you live in Kansas when you went back? A I wasn't living in Kansas, I just went there merely on a visit, and came back.

Q You got a divorce up there? A Yes, sir, but I didn't have to stay there long to get it.



REC'D  
AUG 15 1901  
F. I. H. D.  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
DEPARTMENT OF THE INTERIOR

-8-

Q What county did you get it in, what town? A Ottawa.

Mr. Bell: What year was that in? A I can't tell you nothing about that.

Commissioner: Mary Ann Leak applies for the enrollment of herself. She is not identified upon the authenticated roll of 1880, but is identified upon the Kern-Clifton and Wallace rolls, as Mary Ann Martin, that having been her maiden name. She avers that she is the child of David Martin. She will be listed for enrollment as a Cherokee Freedman on a doubtful card, and will be notified of the decision of the Commission, when arrived at, by mail.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 9th of August, 1901.

[Signature]

Commissioner.

49 487

FIELD  
JUN 6 1901

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Chelsea, I. T., June 3rd, 1901.

In the matter of the application of Josie Looney for the enrollment of herself and six children, being sworn and examined by Commissioner Needles as testified as follows:

- Q What is your name? A Josie Looney.  
Q That your name now? A Yes sir.  
Q How old are you? A About 31.  
Q What is your post-office address? A Elliott, I. T.  
Q What district do you live in? A Coowasee county.  
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.  
Q Is your name on the authenticated roll of 1890? A No sir, not as I know of.  
Q Who do you desire to enroll as does your self? A I want six children.  
Q Give me the names of your children? A Clarence Looney.  
Q How old is Clarence? A 15 years old April past.  
Q Next one? A Coral Looney.  
Q How old is Coral? A She will be 10 25th of this month.  
Q Next one? A William.  
Q How old is William? A He was eight last April.  
Q Next one? A Julia.  
Q How old is Julia? A Seven, last December.  
Q Next one? A Georgia Fannie.  
Q How old is Georgia? A Three last October.  
Q Next one? A Fannie.  
Q How old is Fannie? A He was two last January.  
Q Are these children all living at this time? A Yes sir.  
Q Are you married? A Yes sir.  
Q What is your husband's name? A All Looney.  
Q Is he a citizen? A Yes sir.  
Q Is he dead? A Yes sir.  
Q Have you ever been married before? A No sir.  
Q Where were the six children born? A On the Verdigris River.  
Q In the Cherokee Nation? A Yes sir.  
Q How long have you lived in the Cherokee Nation? A Ever since I can recollect.  
Q Were you born in the Cherokee Nation? A I don't know where I was born; I know when I found myself I was here.  
Q Lived here ever since you could recollect? A Yes sir.  
Q What is your father's name? A David Martin.  
Q Is he living? A Yes sir.  
Q What is your mother's name? A Jane Martin.  
Q Is she living? A Yes sir.  
Q Did you know Strip money? A No sir.

1890 authenticated roll of citizens of the Cherokee Nation examined and applicant not found thereon.

1896 census roll of citizens of the Cherokee Nation examined and applicant not found thereon.

Formal citizen pay roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:  
page 170 Julia Josie Martin, Coowasee county District;  
page 143 2886 Clarence, Looney, Coowasee county;  
page 143 2886 Coral Looney, Coowasee county district;  
page 143 2887 Will Looney, Coowasee county District;

Applicant: I think Julia's name appears as Julia, they called her Auntie Willis instead of Looney.

Q How did her name happen to be Willis? A Don't know how they come out; I give them the right name, Julia.

Jessie Looney et al

Kerns-Clifton roll of citizens of the Cherokee Nation examined for child Julia and identified as follows:  
page 143 #3256 Justin Willis, Cowassee District.

Wallace roll of citizens of the Cherokee Nation examined and applicant identified therein as follows:  
page 174 #3243 Jessie Looney, Cowassee District.

Examined by Cherokee Representative, W. F. Hastings.

Q You know from what your father has just said that you were born in Kansas? A As far as I know of.

Q That's what he just has told you? A Yes sir.

Com'r Needles: Jessie Looney applies for the enrollment of herself and six children; Clarence, Coral, William, Julia, Georgia F., and Wayne; her name is not found upon the authenticated roll of 1890 or the census roll of 1896; she is duly identified upon the Kerns-Clifton roll, and upon the Wallace roll, according to page and number of the rolls as indicated in the testimony; the names of her children Clarence, Coral and William are identified upon the Kerns-Clifton roll, and the name of her child, Julia, is identified upon the Kerns-Clifton roll as Justin Willis; her two younger children do not appear upon any roll, having been born after same was compiled; she avers that she is the daughter of David and Jane Martin, and that she is a sister of Mary Ann Lock, who was duly listed for enrollment at this day as a Cherokee Freedman on a doubtful card, #435, and the testimony taken in said case will be made part of the testimony in the case of the applicant; a copy thereof will be filed with the testimony being taken now; they are all duly identified, satisfactory proof is made as to residences, consequently, Jessie Looney and her six children enumerated herein will be listed for enrollment as Cherokee Freedmen upon a doubtful card; it will be necessary for her to file satisfactory proof of birth of her two younger children, Georgia F. and Wayne; she will be notified by mail of the decision of the Commission when arrived at.

X. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

*M. D. Green*

Subscribed and sworn to before me this June 5th 1901.


*[Signature]*

Commissioner.

72.

J. S. 487

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
**FILED**  
JUN 3 1901

  
ACTING CHAIRMAN





File 487

No. D.....

INDIAN TERRITORY,  
CHEROKEE NATION.

I hereby certify that I served the with-  
in notice on.....

by delivering a true copy thereof on the  
..... day of..... A. D. 1901

Given under my hand this .....  
day of..... A. D. 1901.

Marshal for the Cherokee Nation.

I, the undersigned attorney for the  
within named applicant hereby accept  
service of the within notice on this the  
..... day of....., 1901.

Attorney for applicant.

UNITED STATES OF AMERICA, }  
INDIAN TERRITORY, } s. s.  
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a  
true copy of the within notice to.....

on the..... day of..... A. D. 1901

Subscribed and sworn to before me  
this..... day of..... A. D. 1901.

Notary Public.

~~DEPARTMENT OF THE INTERIOR~~

COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED  
SEP 21 1901

*[Handwritten signature]*

# NOTICE!

*IN THE MATTER OF* the application of Josie Leony  
for enrollment as a Cherokee citizen:

Case No. D 487

To Josie Leony Elliott I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory, Indian Territory, on Oct. 20 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 16 1901

L B Bell  
M. W. Haskell  
Attorneys for the Cherokee Nation.

# AFFIDAVIT.

UNITED STATES OF AMERICA, }  
INDIAN TERRITORY, } SS  
NORTHERN DISTRICT.

In the matter of the application of Josie  
Looney for enrollment as a Cherokee Freedman.

No. F. D. 487

Henry Pack, of lawful age, being duly sworn on  
oath states that on the 17 day of September, A. D., 1901, he registered  
to Josie Looney whose postoffice is Ellisett  
Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto  
attaches the receipt of the Postmaster at Fort Gibson Indian Territory;  
and that on the 20 day of September, 1901, he received the return  
card which is hereto attached, signed by the said Josie Looney, showing  
that he had received said notice.

Henry Pack  
Subscribed and sworn to before me on this the 20 day of Sept A. D. 1901.

Notary Public.

COMMISSION TO THE LIVE CHARTERED  
DEPARTMENT OF THE INTERIOR

FILED

SEP 8 1901

-6-

He was in '72, '73 or '74, and that their records would show the date I arrived in Ottawa. He said the records will show the date I arrived in Ottawa. He said I was arriving bringing my family from Kansas to the Ottawa. He said to what year in the '70s I don't know. I don't know if he arrived exactly the year.

(By the Commission)

Do you know whether David Martin ever voted in Ottawa? He said he doesn't know. I was too young to vote in politics then. He said in the last fifteen years I could tell you. He said the time he arrived with his family in Ottawa until he died. He said about six years afterwards, did you know him and his family? He said they were regular residents of Ottawa? A Yes sir. He said he was living there as a man who came there from time to time or as any other regular resident? A As a man who lived there constantly.

Did you ever meet him for any length of time? A No sir.

(By Smith)

Did he have any children at that time? A I don't know whether he had any children in the first place. He had one or two born there. The children he had born there when he left there were small children were they not? A Yes sir, small children.

(Smith being re-called and examined by the Commission)

Do you know whether David Martin ever voted in Ottawa? A No I don't know whether he did or not.

This will be filed as supplemental testimony in the case of the United States vs. Martin, and also in C. F. D. 445, 447, 449.



File with case of Josie Looney et al  
C. F. D. No. 487

Department of the Interior,  
Commissioner to the Five Civilized Tribes,  
Vinita, I. T. October, 24, 1901.

SUPPLEMENTAL TESTIMONY in the case of David Martin et al., C. F. D. #486.

W. W. Hastings, attorney for the Cherokee Nation.  
Mellotte & Smith attorneys for the applicants. (Applicant present)

SMITH EWING, being first duly sworn by Commissioner C. R. Breckinridge, testified as follows on the part of the Cherokee Nation:

- Q What is your name? A Smith Ewing.  
Q Have you any middle name? A No sir.  
Q How old are you? A Going on 31.  
Q What is your post office? A Ottawa.  
Q In Kansas? A Yes sir.  
( By W. W. Hastings )  
Q You live in Ottawa, Kansas? A Yes sir.  
Q How long have you been living at Ottawa? A I came there in 1867.  
Q Where did you move from? A I moved from Ohio City, a little place eight miles south of Ottawa.  
Q How long had you lived within eight miles south of Ottawa before '67? A I came there in '65.  
Q Have you been living in Ottawa since '67? A Yes sir.  
Q Do you know this colored man, David Martin that you see here? A I do.  
Q When did you first become acquainted with him? A '66, first time I ever recollect of ever seeing him.  
Q Where did you see him? A In Ottawa.  
Q Do you know his wife? A I do.  
Q What is her name? A Jane.  
Q When did you meet his wife to know her? A In 1867 after I got acquainted with brother Martin.  
Q Where did you get acquainted with his wife? A In Ottawa.  
Q Did they have any children? A They did.  
Q Name some of them if you remember? A Mary Ann.  
Q Recollect any of the rest of them? A I can't swear to what the children's names were only Mary Ann.  
Q Do you know whether Mary Ann was married? A Yes sir she was married.  
Q Who to? A Man named Peterson.  
Q Do you know where Martin's wife was in '66 when you knew him and before you knew her? A I don't.  
Q Did he or she ever tell you where she was? A Never did, neither one of them didn't tell me.  
Q You don't know where she came from when she came to Ottawa? A No sir I don't know personally from her.  
Q Or from him either? A No sir I don't think he or she either ever told me.  
Q Well, what was Dave Martin and his wife doing when you knew them in Ottawa? A I don't know.  
Q Were they living there? A Just living there as any other citizens I don't know as they had any particular trade.  
Q How long did you know them up there, living there in Ottawa? A I don't know some six or eight years; I don't know how long exactly, never kept no track of it.  
Q Some six or eight years? A Yes sir, that long or maybe longer; he was a member of our church and a prominent man there.  
Q What time in '66 do you think you saw him first? A First of August, I believe it was or September, I don't know which; we used to have a day we celebrated.  
Q It was then in the summer of '66? A Yes sir.

Q You live now in Ottawa Kansas? A Yes sir.

( By Mr. Smith )

Q Where were you when the war commenced? A In Fayetteville, Arkansas

Q Where did you go during the war? A I went several places.

Q Did you go out of the State of Arkansas? A Yes sir.

Q Where to? A Missouri.

Q Where were you when the war closed? A In Kansas

Q Where were you when you were freed? A When I was declared freed?

Q Yes. A In Arkansas

Q When was that? In '63, February, no it was in '63 when I received a message from my Captain that I was free.

Q Do you know what time in '63? A Long in January.

Q Do you know what time in January? A I don't know, I didn't care about the time all I cared was about the freedom.

Q What time did you go to Kansas? A Spring of '63, April.

Q Did you know David Martin before the war? A No sir.

Q When did you first get acquainted with him? A '66

Q What time in '66? A August or September, we was at the celebration.

Q Where were you in '66? A I was in Pottawatomie

Q In Kansas? A Yes sir.

Q Where were you in '66, in Kansas? A Did I say '66.

Q Yes? A Well I was in Ohio City in '65.

Q Where were you in '67? A In Ottawa.

Q Have you lived there ever since? A Yes sir.

Q When did you say that Dave Martin lived there in Ottawa? A '66, I knew him there-- --it has all been so long I don't exactly remember it all, I never kept no track of it.

Q You never knew nothing of him until you saw him at that celebration in '67? A No sir.

Q You don't know what date that was? A No sir, my recollection is growing very short, I don't know if it was August or September.

Q Do you know if it was either one of those months? A Yes sir.

Q Might it not have been as late as October? A No sir it wasn't October.

Q Are you sure that celebration was in '66? A Yes sir I am sure of that. What makes you sure of it? A Because I know what year it was, I know from the time I come to Kansas, I know just when I come from there to Kansas.

Q When did you come there? A 1865

Q What month? A April

Q How long had you been there when this celebration come up? A I lived in Linn County in '63, in Franklin in '64, and in '65 I lived in Franklin-- --hold on there, let me see whether this celebration was in '66 or not-- --'65, that is right.

Q Then as a matter of fact it was in '65? A Yes sir.

Q Who spoke up there? A There was no speaking there was stirring let's see there was Fuller Carter and Alice Gray and --

Q Have a man named Hanson that made a speech? A I don't know, there was so many and I never kept no track, it has been so long.

Q Now that celebration was in '67 wasn't it? A No sir it wasn't, not the first celebration we had.

Q Now talking about the one at which you met David Martin? A No sir

Q You think it was in '65 do you? A Yes sir I recall it very well since you have brought it to my mind.

Q Do you know where David Martin was in '67? A I don't know, only I heard him in Ottawa, but I don't know where he was all the time, he in and out, he is like a fish a fluttering and a jumping, just like a fish out of water, and he flutter and jump so much I can't tell where he was.

Q Then you are mistaken in saying that it was in '66 that you saw him first? A Yes sir I made a mistake there.

Q Now you state now positively that you saw him at all in '66? A No

course I can.

Q Where did you see him? A Saw him in Ottawa.

Q But you don't know where he was all the time? A Just like I did other citizens, some days I saw him and some days I didn't.

Q How long did you continue to see him there? A Saw him frequently for 6, 7 or 8 years, I don't know exactly how long.

Q Where were you living in '66? A I was living down to Ohio City, south of Ottawa.

Q How far from Ottawa? A Eight miles.

Q You were not living in Ottawa then? A My home wasn't there I worked in Ottawa I was working a team there.

Q Did you team in Ottawa in '66? A Yes sir.

Q How much of the time? A I t-eamed there all fall and winter, that was my occupation.

Q But your home was in Ohio City? A Yes sir.

( By the Commission )

Q You say you got acquainted with Dave Martin's wife Jane along about '67? A Yes sir after I moved to town.

Q When did you move to Ottawa? A In '67.

Q And you have made it your home ever since? A Yes sir.

Q Now according to Dave Martin's account and according to your own account he took his family away from there about '74? A (No response.)

Q Were you acquainted with his family from '67 to '74, 6 or 8 years?

A Yes sir.

Q What were you doing in Ottawa during that time? A I was living there and my occupation was quarrying and hauling stone.

Q Did you belong to the same church as Dave Martin? A I did.

Q You say he was a prominent man in the church there? A Yes sir.

Q Was he living there with his family all the time for that six or seven years? A Yes sir.

Q Did you meet him regularly at church during that time? A Yes sir.

Q You don't remember his being away from there for any considerable length of time during that time? A He was away in and out.

Q Did he seem to be a man that was making that his home with his family? A That was his home, he told us though that he belonged in the Nation.

Q Was he living there pretty much of the time with his family? A Yes sir.

Q What business did he follow? A Anything he could get to do, well digging and anything he could make any money at, anything he could get to do like the rest of us poor fellows.

Q Did you ever miss him from church any great length of time? A Yes sir I have missed him considerable from church.

Q How much of the time? A I never kept track.

Q Did he impress you as a man that would stay away from his family for a long period of time? A Not a great long period of time.

( By Hastings )

Q Mr. Ewing, what the Commission wants to know is whether or not you saw Dave Martin at regular intervals and frequent intervals for the six or eight years that you say you saw him living there like any other man of that town? A Yes sir, saw him just like any other man there.

( By Smith )

Q Do you know whether in '73 Martin's wife joined the church up there? A No I don't recollect anything about her joining the church.

Q Didn't your brother and this man's wife get religion at the same time up there in '73-- isn't Erice Brown your brother? A Yes sir.

Q Don't you recollect him and Jane Martin getting religion about the same time? A I recollect of my brother getting religion but I thought Elster Martin had religion long before that; I recollect the revival there very well.

Q When was it? A It has been so long I am not positive as to the time, it was before we built our new church.

Q Do you know whether if at this time Dave Martin was away from that

place and here in the Nation? A I think he was.

Q Can you tell us when that was? A The church was founded in 1887—I guess 1886. It has been so plagued long my mind is so forgetful.

Q Then you don't know? A I wont swear when it was.

( By the Commission )

Q Did you visit frequently at Dave Martin's house? A Yes sir.

Q Do you remember how many children he had in Kansas? A No sir. I don't remember.

HORACE B. PARAMORE, called and sworn as a witness by Commissioner C. R. Breckinridge, testified as follows: ( On the part of the Cherokee Nation )

Q What is your name? A Horace B. Paramore.

Q How old are you? A 43.

Q Where do you live? A Ottawa, Kansas.

Q That is your post office is it? A Yes sir.

( By Hastings )

Q What is your occupation? A My business is physicial and surgeon, but I haven't been doing that for some little time.

Q How long have you lived in Ottawa? A Since the 28th day of March 1888.

Q You were quite small when you came there? A Yes sir, landed there on my sixth birthday.

Q Do you know this colored applicant for citizenship, David Martin?

A Yes sir.

Q Where did you first know him? A At Ottawa.

Q Do you know his wife? A I used to know her, I don't know if I would if I saw her now or not.

Q He had a wife, did he? A Yes sir.

Q Where did you first know this colored man Dave Martin? A I think I got acquainted with him when he first came there, there were only a few people white or black at that time.

Q When was that? A Fall of '86.

Q How large a place was Ottawa at that time? A I dont think more than sixty or seventy-five perhaps one hundred people.

Q New town? A Yes sir.

Q You have continued to reside there ever since that time up to now?

A Yes sir.

Q How long did you know Dave Martin and his family to reside there from when you first knew the, on up? A They resided there several years, as to the exact number of years I can't say, I don't know exactly when they left there.

Q You know they resided there a number of years? A Yes sir.

Q Did you see Dave Martin frequently? A Yes sir.

Q What is your best judgment as to the length of time that you saw he and his family there? A Well I should say that they lived there at least 10 or 12 years and probably more, that is the best of my judgment, 10 or 12 years at the least calculation.

Q Did you see him there as you would any other resident of the town?

A Yes sir.

Q Do you remember his wife's name, or did you know that? A I cant say for certain that I do.

Q Do you know of his having children? A Yes sir.

Q Did you see them there? A Yes sir.

Q Do you remember any of their names? A Well, I cant swear they I do.

Q You know that he had children though? A Yes sir and I probably knew them at the time.

( By Mr. Smith )

Q What are your initials? A H. B.

Q What business are you engaged in now? A At present I am not doing



anything for the past eight years; I loan some money and look after my property.

Q Your business is that of a physician and surgeon? A Yes sir.

Q You say you were only six years old when you went to Ottawa? A Yes sir.

Q You don't know the time positively that Martin came to Ottawa? A The exact date?

Q You don't know the exact year? A I think it was early in the fall or late in the summer of '66.

Q Do you state that positively or not? A I do.

Q That it was in '66? A Yes sir.

Q How do you fix that date? A By conversations I have had with my folks at home, with old citizens there and with a conversation I had with Mr. Martin in Parsons on yesterday.

Q Do you fix it with with conversations you had with him or with others? A With all of them together, all agree in regard to the date.

Q You are not testifying then as to your independent recollection as to the time? A I recollect him as one of the first colored men in Ottawa.

Q Can you testify as of your own independent recollection that he came there in '66? A You have my answers which are the best that I can give you.

Q Can't you answer that yes or no? A I say yes.

Q Then you can recollect this without reference to anything that anybody told you, that it was '66 that he came there? A Yes sir.

Q And remember that it was in the fall? A I said it was either late in the summer or early in the fall.

Q If you remember it yourself and can state it from your independent recollection, why do you state anything in regard to conversations had with other people? A In the first place I wanted to be sure and when these other folks agreed with me in regard to the time I said so. After I was subpoenaed down here I talked the matter over with the people who were there, as I wanted to be sure about it. In 1865 there were no colored people in Ottawa at all and in 1866 there was four families I think moved into Ottawa and Mr. Martin was one of these families.

Q Do you remember that in the year 1865 there were no colored people in Ottawa, or is that what you have been told? A I remember it because there were only two or three families of whites there then, and no colored people at all.

Q You went there yourself in '66? A Yes sir.

Q You were then six years old? A Yes sir.

Q Do you claim that you remembered the change of the year, the ending of '65 and the beginning of '66 at that age, and that in the one year there were no colored people there and in the next year there were four families of them? A Yes sir, I remember their coming there because when I came there there were no colored people.

Q Where did you live before you came to Kansas? A Ohio.

Q Might it not have been '67 instead of '66? A It might have been but I don't think it was.

( By Hastings )

Q You say you had a conversation with Martin which refreshed your memory? A Yes sir He had a conversation with me; he met me in Parsons and asked me -- no, I told him I was coming down here to testify for the Nation, and we got to discussing when he came there, and he said " In the first place I came there in August of '65 " and I said " Well, hold on, it was October of last '66 "

( By Smith )

Q What did Mr. Martin say in his conversation, if anything, in regard to the length of time he staid there at that time? A Well, he stated that the Cherokee Nation knew that he commenced suit against them somewhere along in the 70's, I don't remember that time whether



it was in '74, '72, '4 or '8, and that their records would show the dates. He said "the records will show the date I commenced that suit. I was afraid to bring my family from Kansas to the Nation" But as to what year in the '70's I don't know - I don't know if he stated exactly the year.

( By the Commission )

Q Do you know whether Dave Martin ever voted in *Ottawa or not* - A to that I can't say, I was too young to mix in politics then, if it was within the last fifteen years I could tell you.

Q From the time he arrived with his family in Ottawa until he took them away some six years afterwards, did you know him and his family as steady and consistent residents of Ottawa? A Yes sir.

Q Was he living there as a man who came there from time to time or as any other regular resident? A As a man who lived there continuously.

Q Did you ever miss him for any length of time? A No sir.

( By Smith )

Q Did he have any children at that time? A I don't know whether he had any children in the first place, he had one or two born there.

Q The children he had born there when he left there were small children were they not? A Yes sir, small children.

( Smith Ewing re-called and examined by the Commission )

Q Do you know whether David Martin ever voted up in Ottawa? A No I don't know whether he did or not.

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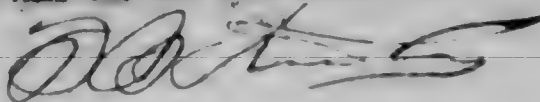
This will be filed as supplemental testimony in the case of David Martin et al., C. F. D. #484, and also in C. F. D. #485, #497, #487, #488, #489, #490, #491, and #491.

\*\*\*\*\*

Chas. von Weiss, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full, all the proceedings in the above cases and that the foregoing is a full, true and correct transcript of his stenographic notes therein

(Chas. von Weiss)

Subscribed and sworn to before me this the 3rd of October, 1901.



Commissioner.

( C O P Y )

Freed. D 800

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I.T., May 31, 1902.

In the matter of the application of PERKY ADAMS for  
enrollment as a Cherokee Freedman.

Applicant appears by Melletta A. Smith;  
Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs. The Cherokee Nation, No. 17309 filed in the Mariah Hayden case F.D. 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

David Martin, D 486;  
Vinnie Martin, "

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree, because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified

in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District Indian Territory.

MR. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

In the case of Moses Whitmire, trustee, vs. Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

V.W.Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of the attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

-0-0-0-0-000-0-0-0-00-0

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P.C. Reuter,

(SEAL)

Notary Public

I, E. G. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing

-2-  
Is a true and correct copy of the original testimony in the above  
entitled case as filed with the Commission, which copy was made  
by me.

(Signed) E. C. Russell

Subscribed and sworn to before me this July 20, 1902.

(SEAL)

(Signed) F. B. Hunter,

Notary Public

INDO-AMERICA

P D 486.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

F I L E D.

Aug. 1 1902.

Tommy Dixby

Acting Chairman.

-----  
Lucy H. Brown, being under oath, states that as stenographer to  
the Commission to the Five Civilized Tribes, she made the above  
and foregoing copy, and that the same is a full true and correct  
copy of a document on file with the Commission.

*Lucy H. Brown*

Subscribed and sworn to before me this 24th day of September, 1904

*H. H. Martin Jr.*  
Notary Public.



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of David Martin et al.,  
for enrollment as Cherokee Freedmen, consolidating the applications  
of

|                         |                         |
|-------------------------|-------------------------|
| David Martin et al      | Cherokee Freedmen D 486 |
| Mary A. Leek            | Cherokee Freedmen D 485 |
| Josie Looney et al      | Cherokee Freedmen D 487 |
| Eliza Manuel            | Cherokee Freedmen D 488 |
| William H. Martin et al | Cherokee Freedmen D 489 |
| Fred Petersen et al     | Cherokee Freedmen D 490 |
| Lourena Rowe et al      | Cherokee Freedmen D 497 |
| Charity Taylor          | Cherokee Freedmen D 491 |

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee Freedmen, were made to this Commission by David Martin for himself; by Mary A. Leek for herself; by Josie Looney for herself and her minor children, Clarence, Coral, William, Julia, Georgia F. and Wayne Looney; that subsequent to the date of her original application a birth affidavit, which is made a part of the record herein, was filed with this Commission showing the birth of her child, Jettie Looney, on August 23, 1902; by Eliza Manuel for herself; by William H. Martin for himself and his minor children, Captola, Amanda and Charles A. Martin; that subsequent to the date of his original application a birth affidavit, which is made a part of the record herein, was filed with this Commission showing the birth of his child, Bunk Roscoe Martin, on November 18, 1901; by Fred Peterson for himself and his minor child, Mary T. Peterson; by Perry Rowe for his wife, Lourena Rowe, and his minor children, Inola and Aleck Rowe; that subsequent to the date of his original application a birth affidavit, which is made a part of the record herein, was filed with this Commission showing the birth of his child, Elizabeth Rowe, on April 10, 1902; and by Charity Taylor for herself. The applications of the said David Martin, William H. Martin and Fred Peterson also included their wives, Jane Martin, Carrie Martin and Lena Peterson, respectively, who claim right to enrollment as Cherokee Freedmen by intermarriage, but as the status of such claimants by intermarriage is not fixed at this time, the said Jane Martin, Carrie Martin and Lena Peterson are not embraced in this decision. The testimony taken in the case of Thomas Archer Cherokee Freedmen D 901, is filed with and made a part of the record herein.



The evidence shows that the said David Martin was the slave of a Cherokee citizen at the commencement of the rebellion; that during said rebellion he left the Cherokee nation and did not return and take up his residence therein until after February 11, 1867. All the other applicants herein were born since the commencement of the rebellion and are descendants of, and claim right to enrollment through, the said David Martin.

None of the names of the applicants herein are found on the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the applications for the enrollment of David Martin, Mary A. Leck, Jessie Leoney, Clarence Leoney, Ceres Leoney, William Leoney, Julia Leoney, Georgia P. Leoney, Mary Leoney, Jessie Leoney, Ellen Leoney, William H. Martin, George Martin, Emma Martin, Charles A. Martin, Frank Leoney Martin, John Peterson, Mary A. Peterson, Laura Leoney, India Leoney, Alice Leoney, Elizabeth Leoney and Charity Taylor, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved March 26, 1896 (30 Stats., 498), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED

*Tamie Bixby*

Chairman

SIGNED

*T. B. Needles*

Commissioner.

SIGNED

*C. F. Trevelyan*

Commissioner.

*W. E. Lee*

Commissioner.

Dated at Muskogee, Indian Territory,

this MAR - 5 1898.

(COPY)

Refer in reply to the following

C F L  
B H

Land  
1862-1891. DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS  
WASHINGTON, July 11, 1891.

David Martin, Esq.,  
Coffeyville,  
Kansas.

Sir:

Referring to the evidence, filed with Agent Bennett and by him referred with favorable report on the 28th of May last, respecting your claim and that of your family to enrollment as beneficiaries under the 9th Article of the Cherokee treaty of 1866, and to participate in the distribution of the \$75,000 fund appropriated by Congress &c., you are informed that a supplemental schedule of Cherokee freedmen was approved by Acting Secretary Chandler, July 7, 1891. Said schedule contains the following, with other names, viz:-

|                          |           |          |
|--------------------------|-----------|----------|
| 3264, Martin, Mary Ann   | - - - - - | 27 years |
| 3265, Peterson, Lourina, | - - - - - | 13 "     |
| 3266, " Charity,         | - - - - - | 10 "     |
| 3267, Martin, David,     | - - - - - | 54 "     |
| 3268, " Wm. H.,          | - - - - - | 18 "     |
| 3269 " Eliza,            | - - - - - | 19 "     |

and has been forwarded to Agent Bennett, with instructions to make payment to persons whose names appear thereon.

Very respectfully

R.F.T.  
L.

(Signed) T. J. Morgan  
Commissioner

-----  
INDORSEMENTS.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED  
Jun 24 1901

James Bixby

Acting Chairman.

Lucy M. Bowman, under oath states that the above and foregoing copy which she made is a full true and correct copy of a document on file with the Commission to the Five Civilized Tribes.

Subscribed and sworn to before me this  
6th day of September, 1904

*Lucy M. Bowman*  
*David Martin Jr.*  
Notary Public.

JR, 446.

~~C.R. 671~~  
~~659~~

MISSIONARY TO THE CONFEDERATED TRIBES

FILED

JUL 5 1906

*[Signature]*  
Commissioner

*[Signature]* 1/1906

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Jank Looney, et al. as Cherokee freedmen.

Reply of the Cherokee Nation to the Motion  
to Reopen.

The Cherokee Nation resists the motion to reopen the above case for the following reasons:

The record in the case shows that the applicants made application to be enrolled on June 3, 1901; that said applications were denied March 5, 1904, by the Commission to the Five Civilized Tribes and affirmed by the Secretary of the Interior on August 16, 1904. The motion of applicants is upon the ground of newly discovered testimony, but the following objections are urged against said motion:

First. It is not sworn to by the applicant.

Second. No diligence attached to said motion or no affidavits of witnesses stating what is claimed said newly discovered witnesses will swear.

Third. No diligence whatever has been shown.

Fourth. It is not shown that the newly discovered testimony would not be cumulative.

Fifth. The case is absolutely without merit.

We have argued recently the above propositions at very great length in a great number of cases filed in motions to reopen, and we particularly refer the department to our brief in the motion to reopen the Sam Landrum case, F. D. 292, wherein the authorities are cited, and which are herein-after cited, were quoted from liberally.

However, we desire to call the attention of the Department to the Creek Contest case of Moore v. Larnay, No. 49, wherein it was held:

"The rule is general that a new trial or rehearing will not be granted on a mere showing that new evidence has been discovered. Newly discovered evidence in order to be sufficient must possess the following requisites:

(a) It must be such as would probably change the result if a new trial is granted.

- (b) It must be discovered since the trial.
- (c) It must be such as could not have been discovered before the trial by the exercise of due diligence.
- (d) It must be material to the issues.
- (e) It must not be merely cumulative to the former evidence.
- (f) It must not be merely impeaching or contradicting the former evidence."

In support of the holding there was cited the following:

6 L.D. 9; 7 L.D. 136; 10 L.D. 433; 18 L. D. 31; 19 L.D. 543.

We desire to say that the following authorities which we cite unquestionably hold:

First, where motions are filed upon the ground of newly discovered testimony that said testimony must not be cumulative.

Second, that the party in whose behalf the motion is filed must not only allege diligence, but must actually show what was done so that the Court might determine whether or not due diligence was used.

Third, the affidavits of the party and of the witnesses must be attached.

Supporting these contentions reference is made to 2 Ark. 33; 2 Ark. 346; 5 Ark. 256; 5 Ark. 405; 10 Ark. 558; 11 Ark. 671; 13 Ark. 360; 17 Ark. 403; 25 Ark. 89; 25 Ark. 334; 25 Ark. 380; 28 Ark. 121; 30 Ark. 724; 38 Ark. 514; 52 Ark. 120; 55 Ark. 312; 60 Ark. 361; 84 Southwestern 728, and in fact we believe no court in the Union has held otherwise.

For the reasons hereinabove cited we respectfully submit that the motion filed to reopen this case should be denied.

Respectfully submitted,

*W. W. Hastings*

Attorney for the Cherokee Nation.



MAR - 1892

ALL I Like (P. 1892/1893)

# **NOTICE.**

## **Cherokee - Freedmen - Enrollment.**

The Commission to the Five Civilized Tribes will continue in session at

### **MUSKOGEE, IND. TER.,**

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Josie Looney,

Elliott, I.T.

Cherokee F-D-487

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

COPY.

Cherokee Freedmen  
D-487.

Muskogee, Indian Territory, March 25, 1904.

Josie Looney,

Elliott, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself and your minor children, Clarence, Coral, William, Julia, Georgia F., Wayne and Jettie Looney, as Cherokee freedmen, together with a copy of the Commission's decision, dated March 5, 1904, rejecting, among others, your said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

*T. B. A. Bedlee.*

Register.

Enc. D-88

Commissioner in Charge.

COPY

Cherokee Freedmen  
D-486 et al.

Muskogee, Indian Territory, March 25, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of David Martin, et al., including the Commission's decision, dated March 5, 1904, rejecting the applications for the enrollment of David Martin, Mary A. Lusk, Jessie Clarence, Coral, William, Julia, Georgia F., Wayne and Jettie Leoney, Eliza Manuel, William H., Captola, Amanda, Charles A., and Buck Renee Martin, Fred and Mary T. Peterson, Lawrence, Inola, Aleck and Elizabeth Rowe and Charity Taylor as Cherokee freedmen.

Respectfully,

Through the  
Commissioner of Indian Affairs.

Commissioner in Charge.

Enc. D-90.

COPY.

Cherokee Freedmen  
D-486 et al.

Muskogee, Indian Territory, March 20, 1904.

V. W. Hastings,

Attorney for Cherokee Nation,

Washington, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, in the consolidated case of David Martin et al., rejecting the applications for the enrollment of David Martin, Mary A. Luck, Jessie, Clarence, GERAL, William, Julia, Georgia F., Wayne and Jettie Leoney, Eliza Manuel, William H., Captola, Amanda, Charles A. and Bunk Reese Martin, Fred and Mary T. Petersen, Laurena, Inola, Aleck and Elizabeth Rowe and Charity Taylor as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Enc. D-94.

Commissioner in Charge.



Refer in reply to the following:  
Land. 11067-1904.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, August 15, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized tribes, dated March 25, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen, by David Martin for himself; by Mary A. Leek for herself; by Jessie Looney for herself and her minor children, Clarence, Coral, William, Julia, Georgia F., Jettie and Wayne Looney; by Elias Manual for for herself; by William H. Martin for himself and his minor children, Captola, Amanda, Charles A. and Bunk Roster Martin; by Fred Peterson for himself and his minor child, Mary T. Peterson; by Perry Rowe for his wife, Laurene Rowe, and his minor children, Inula, Alsek and Elimebeth Rowe.

March 5, 1904, the Commission decided adversely to the applicants.

The record shows that the principal applicant, David Martin, was the slave of a Cherokee citizen, and escaped from his master prior to the war and did not return to the Cherokee Nation prior to February 11, 1867.

Y. P.

THE

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

I.T.D. 6494-1904.  
D. C. 30665-1904.

August 18, 1904.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

March 28, 1904, you transmitted the record in the consolidated Cherokee Freedmen case of David Martin, et al (D-486), including your decision dated March 8, 1904, rejecting the applicants.

Reporting in the matter August 15, 1904, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Theo Ryan,

Acting Secretary.

1 inclosure.

The other applicants' sole title to enrollment is based on that of David Martin.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

W. A. Jones,

Commissioner.

M.H.M.  
V.

COPY.

Cherokee Freedmen

D-487.

Muskogee, Indian Territory, August 29, 1904.

Josie Looney,

Elliott, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision, dated March 5, 1904, rejecting, among others, your application for the enrollment of yourself and your seven minor children, Clarence, Coral, William, Julia, Georgia F., Wayne and Jettie Looney, as Cherokee freedmen was affirmed by the Secretary of the Interior on August 18, 1904.

Respectfully,

(SIGNED).

*Tame Dixby.*  
Chairman.

COPY

Shawnee Freedom  
2-222-222-222-222  
-222-222-222-222

Washington, Indian Territory, September 1, 1904.

Gentlemen, Bill & Margaret,

Shawnee for the Shawnee Nation,

Washington, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision, dated March 8, 1904, rejecting the applications for the enrollment of David Martin; Mary A. Leck; Josie, Clarence, Gerald, William, Julia, Georgia F., Vagor and Fattie Lecky; Eliza Emanuel; Fred and Mary T. Peterson; Charity Taylor; William H., Captela, Amanda, Charles A. and Buck Revere Martin; Leanna, Paula, Alonzo and Elizabeth Rose as Shawnee freedom, was affirmed by the Secretary of the Interior on August 18, 1904.

Respectfully,

(SIGNED) *Tamr Bixby*  
Chairman



COPY.

Cherokee Freedmen

R-446.

Muskogee, Indian Territory, March 23, 1905.

Josie Looney,

Elliott, Indian Territory.

Dear Madam:

The Commission is in receipt, by reference from the Secretary of the Interior, of your letter of March 9, 1905, relative to the enrollment of yourself, et al. as Cherokee freedmen.

In reply you are advised that the Commission's decision, rejecting your application for enrollment as Cherokee freedmen, was affirmed by the Secretary of the Interior on August 18, 1904.

Respectfully,

(SIGNED)

*James Bixby*

Chairman.

-COPY-

V.C.F.  
Y. P.  
LLB

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

D. C. 43890-1908.  
I.T.D. 4494-1904.  
Sal-1906.

LRB

September 15, 1908.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

The Department has considered a motion to reopen the Cherokee freedman case of David Martin et al, in which case the Department on August 18, 1904, affirmed the decision of the Commission to the Five Civilized Tribes, rejecting the applicants.

The motion for review is filed by the attorneys for the applicants, and is based on the ground that the former decisions are contrary to the law governing such cases and is not warranted by the facts as shown by the record. With said motion is filed the affidavits of Daniel Tucker and Fred Martin.

Considered in connection with the record the motion and affidavits submitted are not sufficient to justify the Department in reopening the case. The motion is therefore denied, and you will so notify the proper parties.

The motion is inclosed herewith.

Respectfully,

(Signed) Thos Ryan  
Acting Secretary.

1 inclosure.

Cherokee Freedmen

R-445, et al.

Muskogee, Indian Territory, September 22, 1905.

Hell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that this office is in receipt of Departmental letter of September 13, 1905, denying the motion of Blue & Bulger to have reopened the Cherokee Freedmen enrollment case of David Martin, et al., (C.F.R-445-4-6-7-8-9-50-51).

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

LS

Acting Commissioner.

Incl. S-25

Cherokee Freedmen

R-445, et al.

Washago, Indian Territory, September 22, 1905.

Blus & Bulger,

Attorneys for David Martin, et al.,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that this office is in receipt of Departmental letter of September 13, denying your motion to have reopened the Cherokee Freedmen enrollment case of David Martin, et al.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

L8

Acting Commissioner.

Incl. 3-24

Cherokee Freedmen

R-446.

Muskogee, Indian Territory, September 22, 1905.

Jessie Looney,

Elliott, Indian Territory,

Dear Madam:

You are hereby advised that this office is in receipt of Departmental letter of September 13, 1905, in which the motion, filed on your behalf, to have reopened the Cherokee freedmen enrollment case of yourself, et al., is denied.

Respectfully,

LS

Acting Commissioner.



D. C. 52011-1905.

( C O P Y )

J.V.H.  
FHE

I.T.D. 14844-1905

L R 8

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

November 15, 1905.

Commissioner to the Five Civilized Tribes

Muskogee, Indian Territory.

Sir:

You are advised that a motion to reopen the Cherokee freedman enrollment case of David Martin, et al., has been filed in the Department.

See departmental letter of September 13, 1905, to you.

Respectfully,

(Signed)

THOS RYAN

First Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

-COPY-

J.W.H.  
FHE

D. C. 62744-1905.  
I.T.D. 14844-1905.  
LRS

DEPARTMENT OF THE INTERIOR,  
WASHINGTON. November 18, 1905.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

The Department is in receipt of a letter dated October 30, 1905, addressed to the Attorney General of the United States, from William H. Martin, of Vann, Indian Territory. This letter is in the nature of a motion for rehearing in the matter of the Cherokee freedman case of David Martin, et al., to which the said William H. Martin is a party applicant.

Neither this motion nor the affidavits filed in support of it bear evidence of service upon the attorney for the Cherokee Nation. Accordingly, all <sup>the</sup> papers filed with Mr. Martin's letter are inclosed herewith to be returned to him.

He asks to be advised what further steps should be taken to secure his enrollment. From the records of the Department it appears that a decision adverse to the applicants in the case of David Martin, et al., was rendered by the Department August 18, 1904. A motion to reopen this case was denied by the Department September 13, 1905. The Department finds that the motion now under consideration does not warrant a reopening of the case;

said motion is accordingly denied.

In advising Mr. Martin hereof it is requested that you explain to him carefully the requirements with which he must comply if he submits a motion for rehearing in his case or for review of the Department's action therein.

Reference is here made to departmental letter of November 15, 1905, relating to this case.

Respectfully,

(Signed) Thos Ryan

First Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

3 inclosures.

Cherokee Freedmen

N-448.

Washoe, Indian Territory, December 1, 1903.

William H. Martin,

Washoe, Indian Territory.

Dear Sir:

In connection with the Cherokee Freedmen enrollment case of yourself, et al., you are advised that this office is in receipt of Departmental letter of November 18, referring to a communication from you, dated October 30, 1903, addressed to the Attorney General of the United States, in the nature of a motion for rehearing in the matter of the Cherokee Freedmen case of David Martin, et al., to which you are a party applicant. You are advised that the motion is denied by the Department for the reason that neither it nor the affidavits filed in support of it bear evidence of service upon the attorneys for the Cherokee Nation, and for the further reason that the Department finds that the motion does not warrant a reopening of the case.

You are further advised that it has been the practice of the Department to only grant motions for review, or for reopening of Cherokee enrollment cases, where it is shown that the decision was contrary to the law and evidence, or where new evidence has been discovered that is material to the case and would probably change the status of the applications for enrollment.

If you can point out wherein the decision of the Department in rejecting your application for the enrollment of yourself, et al., as Cherokee freedmen is erroneous, you may file a motion for review of Departmental decision referred to, and the same will receive due consideration. If you are in possession of newly discovered evidence that is material to your case, you may advise this office of the same, stating in detail all the facts you can establish in the event of a reopening of your case and have your motion supported by affidavits of the witnesses whose testimony you desire to introduce, indicating therein fully the facts to which they will testify, evidence of service on the attorneys for the Cherokee nation of copies of all papers filed to be furnished, and the same will be forwarded, with recommendation, for the consideration of the Secretary of the Interior.

The motion filed by you with papers attached are returned herewith.

Respectfully,

Incl. 3-5

Acting Commissioner.



Muskogee, Indian Territory, January 17, 1906.

The Honorable,

The Secretary of the Interior,

Sir:

This office is in receipt, by Departmental reference for report and recommendation thereupon, of a letter of Josie Looney, dated December 27, 1905, asking that the Department order her and her children enrolled. She evidently refers to the Cherokee freedmen enrollment case of herself and children.

In reply, I have the honor to advise that the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, rejecting, among others, the application for the enrollment of Josie Looney and her minor children, Clarence, Coral, William, Julia, Georgia F., Wayne, and Jettie Looney, as Cherokee freedmen, was affirmed by the Secretary of the Interior on August 18, 1904 (I.T.D. 5494-1904), and that on September 13, 1905 (I.T.D. 881-1905), and November 18, 1905 (I.T.D. 14844-1905), the Department advised this office that motions for a reopening of this case were denied. The style of this case is David Martin, et al., Cherokee freedmen D-486, et al.

-2-

There appears to be nothing contained in her letter which was not considered in connection with her enrollment case. Said letter is returned herewith.

Respectfully,

Incl. 8-66  
IS

Commissioner.

Through the  
Commissioner of Indian Affairs.

( C O P Y )

Land  
6138-1906

DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS  
WASHINGTON.

February 12, 1906.

The Honorable,

The secretary of the Interior.

Sir:

On January 8, 1906, the department referred to the Commissioner to the Five Civilized Tribes, for report and recommendation, a communication from Josie Looney, dated December 27, 1905 asking that the Department order her enrollment and that of her children.

I now have the honor to enclose a communication from the Commissioner to the Five Civilized Tribes, dated January 17, 1906, in which he says that Mrs. Looney evidently refers to Cherokee freedman enrollment case of herself and children; that on March 5, 1904, the Commission to the Five Civilized Tribes rejected the application of Jos ie Looney for the enrollment of herself and her children, Clarence, Coral, William, Julia, Georgia F., Wayne, and Jettie Looney as Cherokee freedmen, which decision was affirmed by the Department on August 18, 1904, I.T. D 6494; that on September 13, 1905, I.T.D. 881, and on November 18, 1905, I.T.D. 14844, the department informed him that motions for a reopening of the case had been denied. He says the style of

the case is David Martin et al., Cherokee freedman D-488, and that there appears to be nothing contained in the letter of Josie Looney which was not considered in connection with her application for enrollment.

It is recommended that Mrs. Looney be advised in accordance with what is said in the Commissioner's report, which is borne out by the records of this office.

Very respectfully,

A. F. Larrabee,

Acting Commissioner

GAW-GH

D.C.20246

J.W.H.

DEPARTMENT OF THE INTERIOR,

I.T.D.6494-1904.

WASHINGTON.

FHE

8533-1905

8723- "

May 19, 1906..

2552-1906.

LRS

The Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

Referring to your report of January 17, 1906, there are inclosed herewith two motions for reconsideration of the Cherokee freedman case of David Martin, et al. These motions were filed with the Department September 7, 1905; the first (I.T.D.8533-05) relates to all of the applicants in the case; the second(I.T.D. 8723-05) relates particularly to the case of Josie Looney, et al, which was consolidated with the said case of David Martin et al. Although a motion for a rehearing was denied November 18, 1905, in the Martin case, it does not appear that action has ever been taken on the inclosed motions. They are accordingly transmitted to your office in order that record therein of their filing may be made, to be returned thereafter with your recommendation. See enrollment sections of act of April 26, 1906 (Public No.129).

A Copy of Indian Office letter of February 12, 1906 (Land 6138-06, is inclosed.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

3 inclosures.



Muskogee, Indian Territory, August 4, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

This office is in receipt of Departmental letter of May 19, 1906 (I.T.D. 6494-1904, 8533, 8723-1905, 2552-1906), enclosing two motions for reconsideration of the Cherokee Freedmen consolidated case of David Martin et al. You state that said motions were filed with the Department September 7, 1905; that the first (I.T.D. 8533-1905), relates to all of the applicants in the case; that the second (I.T.D. 8723-1905), relates particularly to the case of Josie Looney et al., which was consolidated with the case of David Martin et al., and that although a motion for a rehearing in the Martin case was denied November 18, 1905, it does not appear that action has ever been taken on the enclosed motions. They are transmitted to this office in order that proper record of their filing may be made, to be returned with this office's recommendation.

These motions for review are two of the 311 motions filed with the Department September 7, 1905, the filing of which this office was advised January 15, 1906 (I.T.D. 8297, 8337 to 8957 inclusive--odd numbers -- 1905, 460-1906).

Secretary-2.

All of the applicants included in these motions for review except Fred Martin and Eliza Looney, are embraced in the decision of the Commission to the Five Civilized Tribes dated March 5, 1904, in the Cherokee freedmen consolidated case of David Martin et al. D 486, et al. (now R 445 et al.), which decision was on August 18, 1904 (I.T.D. 6494-1904), affirmed by the Department.

In view of the provisions of the Act of Congress approved April 26, 1906 (Public No. 129) relative to the return to the Cherokee Nation of Cherokee freedmen, it is respectfully recommended that the motions as far as they relate to the applicants in the Martin case, be denied.

The Department, on September 13, 1905 (I.T.D. 881-1905) and November 18, 1905 (I.T.D. 14844-1905), denied motions for the reopening of this case.

The records of this office further show that the decision of the Commission to the Five Civilized Tribes dated March 5, 1904, rejecting, among others, the application for the enrollment of Eliza Looney D 537- R 658, which application was embraced in the Cherokee freedmen consolidated case of Esau Fox et al., D 508 et al., was affirmed by the Department on August 31, 1904 (I.T.D. 6756-1904). For the reasons above stated it is also recommended that said motions, so far as they relate to the case of Eliza Looney, be denied.

Secretary-3

The decision of the Commission to the Five Civilized Tribes rendered May 13, 1905, rejecting the applicants in the Cherokee freedmen consolidated case of Louis Martin et al., D 289 et al., which case included the application of Fred Martin, was on May 13, 1905, forwarded to the Department, where it is now pending. No reason appears for the granting of said motions as far as they relate to the case of Fred Martin, and it is respectfully recommended that the same be denied.

Reference is made to two Departmental letters of May 2, 1906 (I.T.D. no number, I.T.D. 8347 .... 8705-1905), relating to the 311 motions for review herein referred to. Proper notations of the filing of these motions have been made upon the records of this office, and the same are returned herewith.

Respectfully,

Commissioner.

Through the Commissioner  
of Indian Affairs.

L M B  
Encl. B-30

Cherokee Freedmen  
R 446

Muskogee, Indian Territory, August 30, 1906

Roy T. Osborn,

Attorney for Josie Looney, et al.

Coffeyville, Kansas.

Dear sir:

This office is in receipt, on June 23, 1906, of a motion made by you for a rehearing in the Cherokee freedmen enrollment case of Josie Looney, et al.

Said motion will receive the proper consideration of this office and be transmitted to the Department for action thereon at the earliest practicable date, of which you will be promptly advised.

Respectfully,

L M B

Acting Commissioner

(C O P Y )  
DEPARTMENT OF THE INTERIOR, U. S. R.  
WASHINGTON.

L.R.S.

I.T.D. 6494-1904.

November 3, 1906.

881-1905.  
8833- "  
8723- "  
7757-1906.  
12863- "  
12823- "  
18390- "

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:-

The Department has carefully considered, in connection with the record, motions for reopening the consolidated Cherokee freedman case of David Martin et al., filed September 7, 1905 (I.T.D. 8533, 8723), and June 23, 1906 (I.T.D. 7757), on behalf of Josie Leoney et al.

The principal applicant, David Martin, a former slave of a Cherokee citizen, from whom he escaped and scouted in the woods of the Indian Territory until the outbreak of the civil war, when he joined the army and afterwards became a resident of the State of Kansas, is not shown to have actually returned and established a personal bona fide residence in the Cherokee Nation on or before February 11, 1867, as required by section 3 of the act of Congress approved April 26, 1906, (34 Stat. ,137).



The Department sees no reason to disturb its decision of August 18, 1904 (I.T.D. 6494), denying the application for the enrollment of any applicant claiming through the said David Martin, as do the moving parties herein. The Department still adheres to its decision of August 18, 1904, adverse to such applicants, and said motion for a reopening and reconsideration is hereby denied.

You will advise moving parties and their attorneys of this action.

The record has this day been returned for the files of the Indian Office.

Respectfully,

(Signed) E. A. Hitchcock,  
Secretary.

Through the Commissioner  
of Indian Affairs.

3 inclosures.

Cherokee Freed.  
R-446.

Muskogee, Indian Territory, November 14, 1906.

Josie Looney,

Elliott, Indian Territory.

Dear Madam:-

You are hereby advised that motions for rehearing of your Cherokee freedman case, filed by your attorneys September 7, 1905, were denied by the Department November 3, 1906.

Respectfully,

Commissioner.

Cherokee Freed.

N-445, et al.

Muskogee, Indian Territory, November 14, 1906.

Blue & Bulger,

Attorneys for David Martin and others.

Baxter Springs, Kansas.

Gentlemen:-

You are hereby advised that your motions filed September 7, 1905, and June 23, 1906, for a rehearing in the Cherokee freedmen cases of Davis Martin, et al. and Jessie Looney, et al., were denied by the Department November 3, 1906.

For your information there is enclosed a copy of the Department's decision.

Respectfully,

Inc.-2-14-LGG.

Commissioner.

Cherokee Freed.  
E-455, et al.

Muskogee, Indian Territory, November 15, 1906.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:-

There is enclosed a copy of the Department's decision of November 3, 1906, denying the motions filed September 7, 1905, and June 23, 1906, for a rehearing in the Cherokee freedmen cases of Davis Martin and others and Josie Leoney and others.

Respectfully,

Commissioner.

Inc.-1-15-100.

Muskogee, Indian Territory, January 3, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a motion filed June 25, 1906 by Roy T. Osborn and W. J. Sullivan, attorneys for Josie Looney, et al., for a rehearing of her Cherokee freedmen case. This motion is signed by Josie Looney "on behalf of herself and her minor children", and is a carbon copy of a motion which appears to have been forwarded to the Department direct on June 23, 1906. A copy of the motion is served on the Attorney for the Cherokee Nation, and the Nation's reply thereto, filed July 5, 1906, is enclosed. The original motion appears to have been denied by the Department, November 3, 1906 (I.T.D. 6494-1904, 881, 8533, 8723-1906, 7767, 12863, 12623, 12390-1906). The case of Josie Looney, et al. is embraced in the consolidated Cherokee freedmen case of David Martin, et al., in which the Department on August 18, 1904 (I.T.D. 6494-1904), rejected the applicants. The Department in denying said original motion, November 3, 1906, states that it sees no reason to disturb its said decision "denying the application for the enrollment of any applicant claiming through the said David Martin as do the moving parties herein."



As there is no merit to the motion, it is respectfully recommended that same be denied.

Several motions for review and rehearing of this case have heretofore been denied.

Respectfully,

Commissioner.

Through the Commissioner  
of Indian Affairs.

Encl. H-36  
JMH

6  
S.D.

DEPARTMENT OF THE INTERIOR, THE  
WASHINGTON.

D.C. 9618-07.  
I.T.D. 1022-1907.  
223:

January 31, 1907.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

January 3, 1907, you transmitted for departmental action thereon "carbon copy of a motion" for rehearing filed in the Cherokee freedman case of David Martin et al., on behalf of Jessie Looney et al., the original of which motion you state appears to have been forwarded to the Department direct on June 25, 1906, and was denied by the Department November 3, 1906 (I.T.D. 7757).

As the Department has already taken action on the original motion, of which the motion forwarded by you is only a mere carbon copy, the Department deems it needless to take any action thereon.

Your carbon copy of the motion forwarded has this day been returned to the Indian Office to be filed with the original motion in the case, together with the other papers in the case.

Respectfully,

(Signed) Theo. Ryan,

Through the Commissioner  
of Indian Affairs.

First Assistant Secretary.

11 enc. to Ind. Of.

G.R.

DEPARTMENT OF THE INTERIOR, ILS  
WASHINGTON.

D.O. 7618-07.  
I.T.D. 1020-1907.  
IRS.

January 31, 1907.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

January 3, 1907, you transmitted for departmental action thereon "carbon copy of a motion" for rehearing filed in the Cherokee freedman case of David Martin et al., on behalf of Josie Looney et al., the original of which motion you state appears to have been forwarded to the Department direct on June 25, 1906, and was denied by the Department November 3, 1906 (I.T.D. 7767).

As the Department has already taken action on the original motion, of which the motion forwarded by you is only a mere carbon copy, the Department deems it needless to take any action thereon.

Your carbon copy of the motion forwarded has this day been returned to the Indian Office to be filed with the original motion in the case, together with the other papers in the case.

Respectfully,

(Signed) Theo. Ryan,

Through the Commissioner  
of Indian Affairs.

First Assistant Secretary.

11 inc. to Ind. Of.

Cherokee F R

446

Muskogee, Indian Territory, March 7, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear sir:

You are hereby advised that the Secretary of the Interior refuses to take any action on the carbon copy of the motion for rehearing, filed in the Cherokee freedman case of David Martin, et al., on behalf of Josie Looney, et al., June 23, 1906.

For your information, there is enclosed herewith a copy of Departmental letter referred to.

Respectfully,

Enc. M-74

MH

Commissioner.

Cherokee FB

446

Muskogee, Indian Territory, March 7, 1907.

Roy T. Osborne & W. J. Sullivan,  
Attorneys for Josie Looney, et al.,  
Coffeyville, Kansas.

Dear sirs:

You are hereby advised that the Secretary of the Interior refuses to take any action on the carbon copy of the motion for rehearing, filed in the Cherokee freedman case of David Martin, et al., on behalf of Josie Looney, et al., June 23, 1906.

For your information, there is enclosed herewith a copy of Departmental letter referred to.

Respectfully,

Enc. M-75

Commissioner.

MR



Cherokee freed-  
man R 446.

Muskogee, Indian Territory, March 16, 1907.

United States Indian Agent,  
Union Agency,  
Muskogee, Indian Territory.

Sir:

Referring to your letter of March 6, 1907,  
asking to be advised if motion for review is pending in  
Cherokee freedman case of Josie Looney, et al., you are  
advised that the motion filed to review said case was de-  
nied by the Secretary of the Interior January 31, 1907.

Respectfully,

MVP

Commissioner.

Cher Fr R 447

see Cher Fr R 444

Cher Fr R 447

Q - Is she living? A - Yes, sir.

Q - Is she a United States citizen? A - Yes, sir.

Q - Are you sure that you never went by any other name but Martin?

A - No, sir, not that I know of; that is what my father always put me down as.

Q - Did your father and mother live in the Territory at the time of the war? A - My father did.

Q - Did he go out of the Territory during the war?

A - I don't know anything about that; he was here when I first recollect.

Q - Did you ever go by any other name?

A - Lisa Ellen.

Q - We don't find you on the roll of 1880, and with the instructions of the Secretary and the law of 1880 we must refuse to enroll you.

A - Well, I was then Lisa on the Wallace Roll. I drew money under that.

Q - Have you got any child now? A - No, sir.

-----Q-----

Lisa Martin's name is found on page 17, Wallace Roll,

number 3239. (Roll of 1886)

Department of the Interior

Commissioner of the General Land Office

Washington, D. C.

RECEIVED  
JAN 11 1900  
COMMISSIONER OF THE GENERAL LAND OFFICE  
WASHINGTON, D. C.

FILED  
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JAN 12

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSCOGEE, MAY 11th, 1890.

In the matter of the application for enrollment as a Cherokee Freed-  
man by  
Lisa Martin.

Lisa Martin, being duly sworn, testified as follows:

Mr. Birby: What is your name?

A - Lisa Martin.

Q - How old are you?

A - 28 years old.

Q - Are you married? A - Yes, sir.

Q - What was your name before you were married?

A - Lisa Martin.

Q - Did you ever go by any other name?

A - No, sir, just Lisa Martin.

Q - Didn't you have any other name in 1830, twenty years ago?

A - No, sir.

Q - In what district do you reside? A - Coowasee.

Q - What is your post office? A - Muscogee.

Q - Do you know whether or not you are on the roll of 1830?

A - I guess I am, I drew this last money.

Q - Who was your owner?

A - Joe Martin was my father's owner.

Q - What was your father's name? A - Dave Martin.

Q - Is he living? A - Yes, sir.

Q - Was he a Cherokee Freedman? A - Yes, sir.

Q - What district does he reside in? A - Coowasee.

Q - Who did you say that your father's owner was? A - Joe Martin.

Q - What was your mother's name?

A - She was a state woman.

Q - What was her name? A - Jane Martin.

Q - What was her name before she was married?

A - Jane Kaskitt.

Q - Is she living? A - Yes, sir.

Q - Is she a United States citizen? A - Yes, sir.

Q - Are you sure that you never went by any other name but Martin?

A - No, sir, not that I know of; that is what my father always put me down as.

Q - Did your father and mother live in the Territory at the time of the war? A - My father did.

Q - Did he go out of the Territory during the war?

A - I don't know anything about that; he was here when I first recollect.

Q - Did you ever go by any other name besides Lisa?

A - Lisa Ellen.

Q - We don't find you on the roll of 1890, and we must refuse to enroll you.

A - Well, I was sure I am on the Wallace Roll. I drew money under that.

Q - Have you got any children? A - No, sir.

Lisa Martin's name is found on page 175, Wallace Roll, Number 3259. (Roll of 1890)

### Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

*Francis C. Jones*



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J

FILED

MAY 11 1900

7-29-00

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

MAY 11 1900



ACTING CHAIRMAN

CHEBOKI - FRIEDMEN

OP 3

# CHEROKEE FREEDMEN.

Date..... May 11 ..... 1900.

Name Eliza Martin 28 years old Married Date May 11 1900

District 600 - Muskogee P.O. - Year 1889 Page 175 No. 32619

Mother's citizenship U. S. citizen

Married? *Yes* *Robt. J. Marnell*

License \_\_\_\_\_ Certificate \_\_\_\_\_

Wife's name \_\_\_\_\_

District \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_

## Mother's citizenship

**Names of Children:**

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Department of the Interior,  
Commission to the Five Civilized Tribes,  
Chelsea, I.T., June 3, 1901.

In the matter of the application of Eliza Manuel for the enrollment of herself as a Cherokee Freedman; being sworn and examined by Commissioner Needles, she testified as follows:

- Q What is your name? A Eliza Manuel.  
Q How old are you? A I guess I am about 26 or 27.  
Q What is your postoffice? A Coffeyville, Kansas.  
Q What district do you live in? A Coowascoowee.  
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.  
Q How do you want to enroll her as yourself? A Just me.  
Q Are you married? A Yes sir.  
Q Is your husband a citizen? A No sir, he is a citizen of the Creek Nation.  
Q What was your father's name? A David Martin.  
Q What is your mother's name? A Mother's named Jane Martin.  
Q You know Mary Ann Leek? A Yes sir.  
Q What relation is she to you? A Sister.  
Q Where were you born? A I don't know sir.  
Q Where do you first recollect living? A On Grand River.  
Q In the Cherokee nation? A Yes sir.  
Q Have you lived in the Cherokee nation all your life? A So far as I know.  
Q You have been living here ever since? A Yes sir.  
Q Have you any children? A No sir.  
Q Is your name on the roll of 1880? A I don't know sir.  
Q Did you draw what is known as Strip money? A Yes sir.

1880 authenticated roll of citizens of the Cherokee nation examined and applicant not found;

1896 census roll of citizens of the Cherokee nation examined and applicant not found.

Herns-Clifton roll of citizens of the Cherokee nation examined and applicant identified the person as follows:  
page 170 #4198 Eliza Martin, Coowascoowee District.

Examined by Cherokee Representative, W.W. Hastings:

- Q You were living in the Creek nation five years ago? A No sir, I lived anywhere; my husband is a preacher and he travels all the time; I don't stay in no place steady, but my home and everything I possess is here at my father's on my own place.

Wallace roll of citizens of the Cherokee nation examined and applicant identified the person as follows:  
page 175 #3269 Eliza Martin, Coowascoowee District.

Examined by Commissioner Needles:

- Q Have you any home in the Creek nation? A No sir.  
Q Your husband is a minister? A Yes sir.  
Q You go with him? A Yes sir.

Examined by Cherokee Representative, W.W. Hastings:

- Q Your father has always taught you that you was born in Kansas?  
A Yes sir.  
Q What is your husband's name? A Robert Manuel.

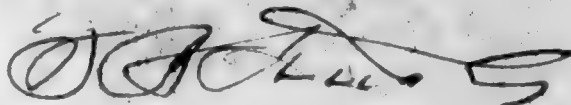
Com'r Needles: Eliza Manuel applies for the enrollment of

Eliza Manuel 2

herself; she avers that she is a child of David and Jane Martin, and that she is a sister of Mary Ann Leek, who was listed for enrollment as a Cherokee Freedman this day upon doubtful card 488; the testimony taken in the case of said Mary Ann Leek will be made a part of the testimony in the case now under consideration, and copy of the same will be filed with the application of the applicant; she avers that she is now married to one Robert Manuel, and makes a satisfactory proof of residence, consequently Eliza Manuel will be listed for enrollment as a Cherokee Freedman upon a doubtful card, she having been identified upon the Kerns-Clifton and the Wallace roll, according to page and number of said rolls as indicated in the testimony; her name is not found upon the authenticated roll of 1880 or on the census roll of 1896; she will be duly notified by mail of the decision of the Commission in her case.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this June 5th, 1901.



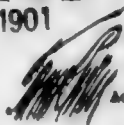
Commissioner.



73. J. 488

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**  
JUN 3 1901



ACTING CHAIRMAN.



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Commissioner: Mary Ann Leck applies for the enrollment of herself. She is not identified upon the authenticated roll of 1880, but is identified upon the Kern-Clinton and Wallace rolls, as Mary Ann Martin, there having been her maiden name. She swears that she is the child of David Martin. She will be listed for enrollment as a Cherokee Freedman on a doubtful card, and will be notified of the decision of the Commission, when arrived at, by mail.

Witness J. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Group 10 and subscribed before us this the 9th of August, 1901.

CONFIDENTIAL

File with *Elyse mammals, C F D-488*

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Chelsea, I.T., June 2, 1891.

In the matter of the application of Mary Ann Leak for enrollment as a Cherokee Freedman.

Mary Ann Leak, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A My name is Mary Ann Leak now.  
Q How old are you? A I am 37 years old.  
Q What is your postoffice address? A Nowata.  
Q What district do you live in? A Well, I don't know.  
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.  
Q Who do you want to enroll besides yourself? A I have three children.  
Q Under age? A No, sir.  
Q They are all married? A Yes, sir.  
Q Are you married yourself? A Yes, sir.  
Q Is your husband a citizen? A Yes, sir.  
Q Has he been enrolled? A No, sir.  
Q Why isn't he here to enroll with you; is he here? A Yes, sir, he is here.  
Q Do you want to enroll him? A No, sir, he will enroll himself I suppose.  
Q Is your name on the roll of 1880? A No, sir, I guess not.  
Q Is your name on any of the Cherokee rolls? A Yes, sir, it is on the Wallace.  
Q Did you draw what is known as the Kern-Clifton money? A Yes, sir.  
Q Did you draw your Kern-Clifton money under the name of Leak? A No, sir, I wasn't married to him then, I drew under the name of Martin.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.

The Kern-Clifton roll examined and the applicant identified thereon page 170, No. 4195, Cooweescoowee district, as Mary Martin.

The Wallace roll examined and the applicant identified thereon, page 175, No. 3264, Cooweescoowee district, as Mary Ann Martin.

- Q What is your father's name? A David Martin.  
Q Is he living? A Yes, sir.  
Q What is your mother's name? A Jane Martin.  
Q Is she living? A Yes, sir.  
Q Where were you born? A I can't tell you, you will have to see my father about that, I can't tell you anything about that, I don't know.  
Q Where were you raised? A In the Territory.  
Q In the Cherokee Nation? A Yes, sir.  
Q That the first place you can recollect? A Yes, sir.  
Q Well now, have you got any witnesses as to your citizenship? A My father.  
Q Is he a citizen? A Yes, sir.

DAVID MARTIN, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A David Martin.  
Q How old are you? A I am 64.

Q What is your postoffice? A Coffeyville.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir, I have been.

Q Is your name on the roll of 1880? A No, sir.

Q Do you know Mary Ann Leak? A Yes, sir.

Q What relation is she to you? A My daughter.

Q Is she a Cherokee citizen? A Yes, sir, she has been so recognized.

Q Does she get her citizenship through you? A Yes, sir.

Q Have you been enrolled yet? A No, sir, not this time.

Q What is your owner's name? A My true owner was named John Martin, but I lived with Joe Martin, his uncle, who was his guardian when his father died in an early day and his uncle was the guardian for him.

Q Was he a Cherokee citizen? A Yes, sir.

Q Were you taken out of the Cherokee Nation during the war?

A No, sir, I was in the woods scouting about the breaking out of the war; yes sir, I belonged to him up to the war.

Q Did you remain in the Cherokee Nation during the war? A No, sir, I remained until February, 1861, in the woods, and then I went to Iowa in '61 and stayed there till '65, I married there in '62, and then went in the army and stayed in the army until the fall of '66 and then was discharged and returned back home in October, '66.

Q Have you been living here ever since? A No, sir, I went back to Iowa for my family, I married there and left this girl and my wife there when I went in the army, and went back there and got them and brought them back through in the fall of '66, up in Kansas, and left them there, and I came here and kept my children there until about 26 years ago I guess, then I came back here and I moved my family down here.

Q Well, 26 years ago; you have been living here for the last 26 years? A Yes, sir, most of the time.

Q Where was Mary Leak born? A She was born in Iowa.

Q Where were you married? A Married in Iowa.

Q That was in what year? A In '61.

Q Then you came back yourself to the Cherokee Nation in '66?

A Came back from the army when I was discharged, came here and came on home.

Q You didn't bring your family until 26 years ago? A I brought my family to up to Kansas, up to Ottawa.

Q But you didn't move them back to the Cherokee Nation until 26 years ago? A No, sir, I didn't bring them all back till 26 years ago.

Q Then you didn't live here in the Cherokee Nation absolutely not until 26 years ago? A Yes, sir, pretty near all the time, I was here in '73 and '4 and '5.

Q Well, where was you from '66 until '73? A I was partly in the Nation, I was scouting judge, the truth of it, I was in the woods; that is the reason I didn't bring my family back, they were trying to kill me.

Q Did you occupy any property or get any land or make a home here?

A Yes, sir, I had a home, had hogs and cows here all the time.

Q From '66? A Yes, sir, with my sister, right of that man's (Mr. Bell) house, east of where he lived.

Q Have you any other grown children besides Mary Ann? A I have four children, three girls and one boy.

Q What are their names? A One is named Josie Looney and the other is named Eliza and the other one is named Willie.

Q Are they here? A Yes, sir, all here.

Q Were they all born in Iowa? A No, sir, there was two born here and one in Kansas; two in Kansas and one here, and the grandchildren were all born here.



Q Are there any other facts in relation to your citizenship which you desire to state? A Nothing more than to prove I was here in '66, came through here in '66.

By W. W. Hastings, Cherokee Attorney: You were married in '61? A Yes sir.

Q In Iowa? A Yes, sir.

Q How come you to go to Iowa? A I got in trouble here at home.

Q How long before the war? A Got in trouble in the fall of '59 and winter of '60 and the winter of '60 I went in the woods.

Q The truth of the matter, you run away from here in '58?

A No, sir, I was here in '58.

Q Are you sometimes known as Wiley? A That is my name, sir.

Q You belonged to Dick Martin's father? A John Martin's father.

Q Well, what relation was he to R. L. Martin? A Well Dick Martin was R. L. Martin and when Gabe Martin went to California he made Dick the guardian of John.

A Did you belong to Dick Martin? A No, sir, John Martin.

Q Well, Joe Martin had charge of you? A Yes, sir, I was off an orphan child's property.

Q And you ran away in about the year 1858? A No, sir, I ran off the winter of '59 or '60.

Q Winter of '59? A Yes, sir, '59 and '60.

Q Where did you go? A Went in the woods, I was scouting.

Q You went to Iowa? A No, sir, I didn't go to Iowa.

Q You were married in '61? A Yes, sir, I left here '61 when they were trying to catch me.

Q How long had you been acquainted with your wife when you married her? A About four months.

Q What time of the year '61 did you marry her? A Married her July 14, 1861.

Q How long had you been in Iowa when you were married? A About four months, been there about two months before I got acquainted with her.

Q And you were in Iowa when the war came up? A No, I was here in the Nation when the war came up, up in the neutral lands scouting.

Q You were in Iowa four or five months before you married? A No, sir, I wasn't that long, because I married about four months after I got acquainted, and I went there in March in the city here she lived.

Q In March of '61? A Yes, sir.

Q Well, this applicant was born in Iowa? A Yes, sir, born in Iowa.

Q Who came back with you to the Cherokee Nation after the war?

A I came back myself, I tell you I come from the army, I come right through here from the army.

Q Where were you discharged? A Discharged at Shreveport, Louisiana, and mustered out at Baton Rouge, and then sent to New Orleans and paid off.

Q Where did you go from there? A Went home, came right up the Mississippi river until I got to a little town at the mouth of the Arkansas, and then I took the Arkansas and run up to Little Rock, and from Little Rock to Fort Smith, and from Fort Smith to Fort Gibson and there I took the military wagons and come from there home, went on from there to Kansas and when I come through here there wasn't anybody here.

Q Not anybody here? A Some few in Gibson.

Q Who did you see at Gibson? A Didn't know anybody but Irvin Yarn and saw Jim Liberty after I got up on the prairie.

Q What prairie? A On the military road right along from Gibson to Fort Scott.

Q Did you know him before the war? A Yes sir.

Q Did you stop and have any talk with him? A I stopped and had a talk with him, and we camped by his house.

Q Where was Jim living? A Close to Miss Liberty's place.

Q When was that? A In '66.

Q What time in '66? A October, '66.

Q Then where did you go? A I went from there on to Leavenworth and from Leavenworth --

Q You went right on through this country to Leavenworth? A Yes, sir, and stopped a while, I stayed around there three or four days until I could get a government wagon for home.

Q You went to Fort Leavenworth then? A Yes, sir.

Q How long did you stay there? A I didn't stay there any longer than till I could get a steamboat to go up the river.

Q To Iowa? A Yes, sir.

Q You found your family up there? A Yes, sir, found my wife and child.

Q Well, I believe you stated you brought them down to Kansas?

A Yes, sir.

Q Now how long did your wife live there in Kansas? A Well I don't know, she was there two years she was under the doctor, they couldn't move her any way, had to lift her around in quilts; kept her there under a doctor two years and maybe two and a half, until they could get her cured, had to send back to Ohio to get a doctor to cure her.

Q Well, where did you first permanently locate in the Cherokee Nation? A I permanently located first, I took my claim right side of my sister's on Grand River close to my old home.

Q Close to the mouth of Cabin Creek? A Yes, sir, above the mouth of Cabin Creek.

Q About how far? A About three miles, or four.

Q When did you take that claim? A I took that claim in '73.

Q Did you live on it then? A Yes, sir, I improved it, put up some logs and a foundation on it.

Q Bring your family down then? A I went back and got them after I put the claim in.

Q Is that the first time you had ever come to Cabin Creek after the war? A No, sir, I traveled right through Cabin Creek as I was going home.

Q You testified five years ago that you came and located near the mouth of Cabin Creek in '66? A No I didn't.

Q You deny that now? A Why I sure deny it, I told you plain, you know I did.

Q Where did you have your cows? A Had them at sister Betty's.

Q When did you put them down there? A Put them down there, I don't recollect.

Q In 1873? A No, I put them there before '73; I put them there in '72 or '71; I was down there all them years.

Q But your wife and your children, your family, was in Kansas?

A Yes, sir, I left them up in Kansas.

Q How far did you locate from where Mr. Bell lives? A About three miles I reckon, or four miles.

Q How old is your second child, the next one to this applicant?

A I don't know, she is five or six years younger than this one; six or seven; my wife was sick all the time until I --

Q Just the exact age? A I don't know just exactly the age.

Q Now how old is the third child? A She is about 29 I guess.

Q She born in Kansas? A Yes, sir, born in Kansas.

Q Did you work for Frank Cousins in the year 1866? A I and Buck Hurlington and Ben Sanders, my brother Spencer, come down in '66 in the winter, in January, '66, and chopped some wood for Lewis Kell, and I went back in March, '67; in '67 we come down, January, '67 is what I told you we did, we came down January, '67, and chopped wood for Lewis Kell and went back home where my family was in March, '67.

Q Mr. Bell lived there then? A Yes, sir, he was living there.  
 Q You are certain of that? A Yes, sir, I know it.  
 Q Well, he never came there till May, 1867? I am just telling you that. A Well he was living there in the Nation, I don't know whether he was living at his house or not.

JIM ALBERTY, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Jim Alberty.  
 Q How old are you? A 70 years old.  
 Q What is your postoffice? A Chouteau.  
 Q Do you know Mary Ann Beck the applicant here; used to be Mary Ann Martin, or Mary Ann Petersen? A I don't know her by that name.  
 Q Do you know Dave Martin? A Yes, sir.  
 Q How long have you known him? A Ever since we were both boys.  
 Q Was he a slave? A Yes, sir.  
 Q Who did he belong to? A Old Joe Martin.  
 Q Was he a Cherokee? A Yes, sir.  
 Q Well, when was the first time you saw Dave Martin after the war between the north and south? A At my house.  
 Q Where? A In 1866.  
 Q What time in '66? A Well, I don't know for certain; it might not have been in the fall.  
 Q Was he married then? A Didn't have no woman there.  
 Q How long have you known him since that? Have you known him since that? A Ever since that.  
 Q Has he lived in the Cherokee Nation continuously since that time? A Everywhere I saw him it was in the Nation, never saw him out.  
 Q Mr. Hastings: Jim, you know he hasn't been living here? A I don't know anything about that, I tell you he come to my house in '66, he come to my house and I went with him to where an old white man sold whiskey and got me a lot of whiskey and come back; I don't know where he went from that.  
 Q You haven't seen him for a long time? A It might have been a year after that, before I saw him; I wasn't particular.  
 Q Where did the white man live that you got the whiskey from? A Lived right there the other side of Russell Creek.  
 Q Went all the way up there? A Yes, sir; he said he was going for his family.  
 Q Was he on horse back too? A Yes, sir.  
 Q But he testified that he came in the government wagons? A Well he did after he got up there I guess; I don't know about that.  
 Q Well, at Fort Gibson? A I don't know; that is at home.  
 Q Where were you living? A You know where the old place that old French owns that you call the Nancy Markham place; I was living right there, it was my house.  
 Q Do you know the time of the year? A It was in the fall as well as I recollect, fall or summer.  
 Q Was that the only time you saw him in '66? A I don't know but what it was.  
 Q Well, you have been thinking over the matter? A No, I have never thought over the matter.  
 Q You know you were going to be a witness for him? A I guess I am now, when they called me; I don't have to hear what any man says when I come to tell what I know.  
 Q You testified for him five years ago? A Yes, sir.  
 Q You testified then you know he was working for Frank Conline? A No I didn't.

Q Do you deny that now? A Yes, sir, I was working for Frank Consine.

Q At the time you saw him? A Not exactly at the time but I had been working for Frank and Henry Rider was working for me on this place.

Q Do you know where Dave's family was when you saw him? A No, I didn't know anything about his family, I didn't know he had one at that time; Frank told me himself, I was at his house at that time.

Q How do you know? A I heard him.

Q You were sitting right there? A I was sitting where you had me.

Q When did you see his family first? A It was a year or more after I saw him here, that is at my house.

Q Do you think you saw his family here within a year? A Well, it might have been, of course I didn't keep any record of it, I never thought about him until I seen him.

Q I want you to say now how long after you saw him until you saw his family? A Maybe a year or more.

Q How much more? A I don't know.

Q You think it has been as much as six or eight years? A I can't say that because I don't know.

Q You applied for enrollment yourself at Vinita? A Yes, sir, I did.

Q You are the man that Mr. Lindsey testified was sold out of here before the war? A Yes, sir, he did, and didn't testify the truth either.

Q But you joined the army at Little Rock? A Yes, sir.

Q Mr. Lindsey said you were sold out down below Little Rock? A Old Lindsey don't know any more about me than a rabbit.

Q You have been pretty near all over the Cherokee Nation in '88? A Yes, sir, I was pretty near all over it, every place I could get whiskey to sell I went there, that is how come I was all over it.

Q What year is this? A Well I can't tell you that.

Q You don't know one year from another, do you? A No, nobody has never told me what year this is.

Q Yet you remember what happened 35 years ago? A People that has sense, knows the dates, and told me of that.

Q But they never told you a year since that? A No, sir, never asked nothing about it, because I didn't care, never had a thought nothing about the dates or anything else since; it was told me and I was satisfied I was inside of the treaty and I noticed everybody else I seen was inside until that year was out, then I never kept no record since because I thought them came home after that was out, and I didn't pay no attention to them.

Q Where did you first see this family, at what point? A I can't tell you that, I don't know that.

Q You don't know then where you saw his family? A No, sir, I don't know, I don't recollect.

Q And you don't know how many years? A No sir, I don't.

Q Do you know when you first next saw Dave? A No, I don't know as I can place where I next saw him; the way I recollect him now I went with him.

MARY ANN LEAF, recalled, testified:

Commissioner: Have you any children? A Yes, sir.

Q How many? A Three.

Q They are all married, are they? A Yes, sir.

Mr. Hastings: Where were you married first? A I was married, I can't tell you the place, it was in the states though, the first time I married.

Q Iowa or Missouri? A It was in Kansas.

Q What was your first husband's name? A Peterson.



Q Were you living with your mother at the time you married?

A Yes, sir.

Q What was the date of your marriage? A I can't tell you about that.

Q About how old were you? A I can't tell you that either.

Q I mean when you married? A Well I don't know exactly myself, father can tell you.

DAVID MARTIN, recalled, testified:

Mr. Hastings: About how old was your daughter when she married first; at much as 18 or 20? A She was 18 I think.

MARY ANN LEAK, recalled, testified:

Mr. Hastings: Were you married but the one time? A I have been married the third time.

Q What is your oldest child's name? A Lourena.

Q Where was Lourena born? A She was born, I don't recollect that either now; you will have to ask father that question.

Q You are the mother of that child? A Yes, sir, I am her mother, but I don't know what year she was born or where we were living at.

Q Born in Kansas? A We were living in Kansas when she was born.

Q What is your next child's name? A Charity.

Q Was she born in the Territory? A Yes, sir.

Q Where? A Up there away up above where we first lived, I don't know where at.

Q That is when you first came into the Territory? A Yes, sir.

Q Now how old is the second child? A I don't know that either, I never kept no account of nothing of the dates, my father attended to that.

Q Did you come in when your mother came? A Yes, sir, I came with my father and mother.

Commissioner: What was your first husband's name? A Peterson.

Q What was your second husband's name? A King.

Q Is he living? A I don't know, sir, whether he is or not.

Q Your first husband? A I don't know that either.

Q Were you divorced from both of them? A Yes, sir.

Mr. Hastings: Where were you married to King, your second husband? A Down here at Lightning Creek at Campbell's office.

Q Where were you divorced from Peterson? A In the states.

Q Kansas? A Yes, sir, where I married him.

Q Who was the father of the second child? A Peterson; I have no children by any man except my first husband.

Q Those three children must have been born in Kansas? A No, sir, wasn't all born in Kansas.

Q You got a divorce from him in Kansas? A Yes, sir.

Q Did you go back to Kansas after you came back here? A Yes, sir.

Q How long had you lived here when you returned to Kansas? A When I went back, I didn't exactly know.

Q A month? A I guess must be longer than that.

Q Well, for your best judgment? A Well, I can't tell you, my father will have to tell you about that because he being quite young, I never paid no attention to nothing of that kind.

Q You can state whether you stayed here longer than a month when you first came down here, before you went back? A Yes, sir, I guess something over a year before I went up.

Q How long did you live in Kansas when you went back? A I wasn't living in Kansas, I just went there merely on a visit, and came back.

Q You got a divorce up there? A Yes, sir, but I didn't have to stay there long to get it.



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DEPARTMENT OF THE INTERIOR

What county did you settle in, what town? A Ottawa.  
Mr. Bell: What year was that? A I can't tell you nothing about that.

Commissioner: Mary Ann Lee applies for the enrollment of herself. She is not identified upon the authenticated roll of 1890, but is identified upon the Kern-Clinton and Wallace rolls, as Mary Ann Martin, that having been her maiden name. She swears that she is the child of David Martin. She will be listed for enrollment as a Cherokee Freedman, on a doubtful card, and will be notified of the decision of the Commission, when arrived at, by mail.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this 9th of August, 1901.

[Signature]

Commissioner.

No. *D* 488

**INDIAN TERRITORY,  
CHEROKEE NATION.**

I hereby certify that I served the with-  
in notice on.....

by delivering a true copy thereof on the  
..... day of..... A. D. 1901

Given under my hand this .....  
day of..... A. D. 1901.

Marshal for the Cherokee Nation.

I, the undersigned attorney for the  
within named applicant hereby accept  
service of the within notice on this the  
..... day of....., 1901.

Attorney for applicant.

UNITED STATES OF AMERICA, }  
INDIAN TERRITORY, } s. s.  
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a  
true copy of the within notice to .....  
on the ..... day of..... A. D. 1901

Subscribed and sworn to before me  
this ..... day of..... A. D. 1901.

**DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES**

**FILED**  
OCT 2 1901

**ACTING CHAIRMAN**

# NOTICE!

IN THE MATTER OF the application of Eliza Manuel  
for enrollment as a Cherokee citizen:

Case No. D. 488

To Eliza Manuel Coffeyville Kans.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory, Indian Territory, on Oct. 24 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 16 1901

L B Bell  
M. W. Hastings  
Attorneys for the Cherokee Nation.

# AFFIDAVIT.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
NORTHERN DISTRICT.

ss

In the matter of the application of Eliza  
Manuel for enrollment as a Cherokee Freedman.

No. F. D. 488

Henry Pack, of lawful age, being duly sworn on  
oath states that on the 17th day of September, A. D., 1901, he registered  
to Eliza Manuel whose postoffice is Leffynalls, Okla.  
~~Indian Territory~~, a notice, a true copy of which is attached to this affidavit, and he hereto  
attaches the receipt of the Postmaster at Ford Gibson Indian Territory;  
and that on the 30th day of September, 1901, he received the return  
card which is hereto attached, signed by the said Eliza Manuel, showing  
that he had received said notice.

Subscribed and sworn to before me on this the 30th day of Sept, A. D. 1901.

J. C. Clark  
Notary Public.

THE UNITED STATES OF AMERICA  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

WATER RESOURCES DIVISION  
SALT LAKE CITY, UTAH

TO: THE SECRETARY, U.S. DEPARTMENT OF THE INTERIOR  
FROM: THE DIRECTOR, BUREAU OF LAND MANAGEMENT  
SUBJECT: [Illegible]

[Illegible text block]

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE STATE OF UTAH

FILED

9 1901



1. The first step is to identify the problem or question that needs to be addressed. This involves understanding the context and the specific requirements of the task.

**T. F. SOUTHWICK**

THE UNIVERSITY OF CHICAGO PRESS

— 11 —

1990年12月15日

There are only two ways to win! 1. Be first.

— *Journal of the American Medical Association*, 1997

1. *Journal of the American Medical Association*, 1990; 263: 1025-1028.

— *Continued*

**Abstract**

2. For how long have you been in the U.S.?

THE UNIVERSITY OF CHICAGO

\_\_\_\_\_

**THE UNIVERSITY OF CHICAGO**

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**THE UNIVERSITY OF CHICAGO**

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**THE UNIVERSITY OF CHICAGO PRESS**

6. Have you ever got involved with this work? : In Street.

1992

1. What is the purpose of the document?

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

1. The first step is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

\_\_\_\_\_

Q Do you know where Sullivan's wife was on 11-15 when you saw the car?  
A Yes, she was here.

Q. Now, in the case of the 1964 election, you were the only one who was not a member of the Citizens' Committee for the Freedom of Cuba?

4. The State has shown no evidence that the law is unconstitutional. I do not think the law is unconstitutional.

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

IN CHARGE, U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY

I have this thing about a few months there or my other friends  
I can't know as they tell me something there.

... I don't want any more of this.

... a ... of ... and ...

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1990

The first of these is the fact that the  
government has been unable to  
maintain a stable currency. This  
has led to a loss of confidence in  
the government and a consequent  
fall in the value of the dollar.  
The second is the fact that the  
government has been unable to  
maintain a stable economy. This  
has led to a loss of confidence in  
the government and a consequent  
fall in the value of the dollar.  
The third is the fact that the  
government has been unable to  
maintain a stable political system.  
This has led to a loss of confidence  
in the government and a consequent  
fall in the value of the dollar.

The fourth is the fact that the  
government has been unable to  
maintain a stable foreign policy.  
This has led to a loss of confidence  
in the government and a consequent  
fall in the value of the dollar.  
The fifth is the fact that the  
government has been unable to  
maintain a stable social system.  
This has led to a loss of confidence  
in the government and a consequent  
fall in the value of the dollar.

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1990

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it was in '73, '74 or '75, and that their records would show the dates. He said "the records will show the date I commenced that suit. I was afraid to bring my family from Kansas to the Nation" But as to what year in the '70's I don't know - I don't know if he stated exactly the year.

( By the Commission )

Q Do you know whether Dave Martin ever voted in Ottawa or not? A - as to that I can't say, I was too young to mix in politics then, if it was within the last fifteen years I could tell you.

Q From the time he arrived with his family in Ottawa until he took them away some six years afterwards, did you know him and his family as steady and consistent residents of Ottawa? A Yes sir.

Q Was he living there as a man who came there from time to time or as any other regular resident? A As a man who lived there continuously.

Q Did you ever miss him for any length of time? A No sir.

( By Smith )

Q Did he have any children at that time? A I don't know whether he had any children in the first place, he had one or two born there.

Q The children he had born there when he left there were small children were they not? A Yes sir, small children.

( Smith being re-called and examined by the Commission )

Q Do you know whether David Martin ever voted up in Ottawa? A No I don't know whether he did or not.

=====

This will be filed as supplemental testimony in the case of David Martin et al., C. F. D. #486, and also in C. F. D. #485, #497, #487, #488, #489, #490, #491, and #501.

\*\*\*\*\*

Chas. von Weiss, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full, all the proceedings in the above cases and that the foregoing is a full, true and correct transcript of his stenographic notes therein

*Chas. von Weiss*

Subscribed and sworn to before me this 3rd of October, 1901.

*[Signature]*

Commissioner.

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Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I. T. October, 15th 1901.

In the matter of the application of Thomas Archer, C. F. D. 901.

Appearances:

James S. Davenport for the Cherokee Nation  
Mallette & Smith for the applicants:

CLEM V. ROGERS, being first duly sworn by Com'r T. H. Needles,  
testified as follows on the part of the Cherokee Nation:

( By Davenport )

Q What is your name? A Clem V. Rogers.

Q Where do you live? A Claremore.

Q What is your age? A 63.

Q How long have you lived in the Cherokee Nation? A All my life except during the war.

Q Do you know the applicant Thomas Archer? A Yes sir.

Q How long have you known him? A Since '80.

Q Where was he when you first saw him to know him? A Choweescoowee district.

Q Where were you in '67? A Fort Gibson.

Q Did you have anything to do with the Roger's Salt Works on Grand river in '67? A No sir.

Q Did you go there yourself or with anyone else in '67 and take them away from Thomas Archer or any other person? A No sir, in '67 I was freighting.

Q Did you ever drive him or any one else away from there? A No sir.

( By Mr. Smith )

Q There are several gentlemen that are Cherokee citizens by your name are there not? A Yes sir.

Q It is a right prominent name in the history of the Cherokee Nation? A Yes sir.

Q If Thomas Archer testified that you took the salt works away from him he was mistaken about that? A Yes sir.

Q You don't know when he came back? A No sir.

Q Did you know him before the war? A I don't know that I did.

( By Davenport )

Q There was only one Clem Rogers in the Cherokee Nation in '67 that was a grown man? A I didn't know of any other at that time, there is several now.

=====

This will be filed in Cherokee Freedman cases, D-901; D-1002; D-482;  
D-487; D-488; D-484; D-486; D-489; D-490; D-491; D-828; D-950; D-564;  
and D-568.

\*\*\*\*\*

Chas. von Weise, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cases and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

*Chas von Weise*

Subscribed and sworn to before me this 17th of October 1901.

*[Signature]*

Com'r. INDI.

SAINT PAUL, MINN., April 10, 1968.

Dear Mr. [Name]:  
I have a question for you regarding the application.

1. On March 6, 1968, I met with you at the [Location].  
2. I was [Location] on the [Location] of the [Location].

Q What is your name? A J. B. Hartford.  
Q How old are you? A 41.  
Q How long have you lived in [Location]? A 10 years.

Q How long have you been living in [Location]? A About 10 years.  
Q How long have you been living in [Location]? A About 10 years.

Q How long have you been living in [Location]? A About 10 years.  
Q How long have you been living in [Location]? A About 10 years.

Q How long have you been living in [Location]? A About 10 years.  
Q How long have you been living in [Location]? A About 10 years.

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Q How long have you been living in [Location]? A About 10 years.

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Q How long have you been living in [Location]? A About 10 years.

Q How long have you been living in [Location]? A About 10 years.  
Q How long have you been living in [Location]? A About 10 years.

Q How long have you been living in [Location]? A About 10 years.  
Q How long have you been living in [Location]? A About 10 years.

Filed with Elisa Manuel C. F. D. 486.

Department of the Interior  
Commission to the Five Civilized Tribes,  
Vinita, I. T. October, 23rd, 1901.

Supplemental testimony in the matter of the application of David Martin C. F. D. 486.

Appearances:

James S. Davenport for the Cherokee Nation.  
Mellette & Smith for the applicants.

H. C. HARFORD being first duly sworn by Com'r T. B. Wadley, testified as follows on the part of the Cherokee Nation:

( By Davenport )

Q What is your name? A H. C. Harford.

Q Where do you live? A Ottawa, Franklin County, Kansas.

Q How old are you? A 44.

Q How long have you lived in Ottawa Kansas? Since 1865.

Q Since you have been living in Ottawa, Kansas, did you become acquainted with a colored man named David Martin? A Yes sir.

Q When did you become acquainted with him? A In the Summer of '67.

Q Have you seen the gentleman since you came down here? A Yes sir I met him on the street.

Q How long after you became acquainted with him did David Martin reside at Ottawa or near there or about how long? A David Martin lived at Ottawa and left there about 21 years ago, 20 or 21 years ago, and from the time he came there he was there off and on all the time, I missed him for a while and saw him for a while, he would be gone a good deal, where he was I of course don't know.

Q Did he have a family there? A Yes sir.

Q You say you met him this morning? A Yes sir.

Q Did you recognize him as the David Martin that you knew up there?

A Yes sir, I did.

Q Did he recognize you? A He didn't for a while, after he studied he finally made up his mind who I was.

( By Smith )

Q What time did you first know David Martin? A To the best of my knowledge it was in '67; I got acquainted with David Martin when I had been there a couple of years.

Q How old were you then? A I guess I was about 11 years old.

Q How old was David Martin then? A I don't know.

Q Was he a man? A Yes sir he was a man grown when he came there.

Q You are not sure as to the year you met him in? A I can't positively swear as to the year, I know he came there about a year and a half or two years after I came.

Q That is as long as you can remember after that length of time? A Yes sir.

Q You say he was there part of the time and the other part of the time you missed him? A Yes sir, probably I would see David Martin every couple of months or so.

Q You didn't see his family? A Yes sir.

Q Where? A In Ottawa there, I knew one of his daughters, the oldest one.

This will be filed in the original case and also in C. F. D. 485 and the sub-references thereto.

Chas. von Weise, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above case and that the foregoing is a true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this the 24th of October, 1901.

*Chas. von Weise*  
Commissioner.



FNT

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of David Martin et al.  
for enrollment as Cherokee Freedmen, consolidating the applications  
of

|                         |                         |
|-------------------------|-------------------------|
| David Martin et al      | Cherokee Freedmen D 486 |
| Mary A. Leek            | Cherokee Freedmen D 485 |
| Josie Looney et al      | Cherokee Freedmen D 487 |
| Eliza Manuel            | Cherokee Freedmen D 488 |
| William H. Martin et al | Cherokee Freedmen D 489 |
| Fred Peterson et al     | Cherokee Freedmen D 490 |
| Lourena Rowe et al      | Cherokee Freedmen D 497 |
| Charity Taylor          | Cherokee Freedmen D 491 |

D E C I S I O N.

The record herein shows that applications for enrollment, as Cherokee Freedmen, were made to this Commission by David Martin for himself; by Mary A. Leek for herself; by Josie Looney for herself and her minor children, Clarence, Coral, William, Julia, Georgia F. and Wayne Looney; that subsequent to the date of her original application a birth affidavit, which is made a part of the record herein, was filed with this Commission showing the birth of her child, Jettie Looney, on August 23, 1902; by Eliza Manuel for herself; by William H. Martin for himself and his minor children, Captola, Amanda and Charles A. Martin; that subsequent to the date of his original application a birth affidavit, which is made a part of the record herein, was filed with this Commission showing the birth of his child, Bunk Roscoe Martin, on November 16, 1901; by Fred Peterson for himself and his minor child, Mary T. Peterson; by Perry Rowe for his wife, Lourena Rowe, and his minor children, Inola and Aleck Rowe; that subsequent to the date of his original application a birth affidavit, which is made a part of the record herein, was filed with this Commission showing the birth of his child, Klizabeth Rowe, on April 10, 1902; and by Charity Taylor for herself. The applications of the said David Martin, William H. Martin and Fred Peterson also included their wives, Jane Martin, Carrie Martin and Lena Peterson, respectively, who claim right to enrollment as Cherokee Freedmen by intermarriage, but as the status of such claimants by intermarriage is not fixed at this time, the said Jane Martin, Carrie Martin and Lena Peterson are not embraced in this decision. The testimony taken in the case of Thomas Archer Cherokee Freedmen D 901, is filed with and made a part of the record herein.

The evidence shows that the said David Martin was the slave of a Cherokee citizen at the commencement of the rebellion; that during said rebellion he left the Cherokee nation and did not return and take up his residence therein until after February 11, 1867. All the other applicants herein were born since the commencement of the rebellion and are descendants of, and claim right to enrollment through, the said David Martin.

None of the names of the applicants herein are found on the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the applications for the enrollment of David Martin, Mary A. Look, Josie Leoney, Clarence Leoney, David Leoney, William Leoney, Julia Leoney, Georgia F. Leoney, Wayne Leoney, Jettie Leoney, Elias Manuel, William H. Martin, Captela Martin, Amanda Martin, Charles A. Martin, Bunk Rowce Martin, Fred Peterson, Mary T. Peterson, Lourena Rowe, Inola Rowe, Aleck Rowe, Elisabeth Rowe and Charity Taylor, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 493), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED,

*Tams Dixby*

Chairman.

SIGNED,

*I. B. Needles*

Commissioner.

*O. I. [illegible]*

Commissioner.

SIGNED,

Commissioner.

Dated at Muskogee, Indian Territory,

this MAR - 5 1900.

(COPY)

Refer in reply to the following

C P L  
B H

Land  
1962-1891. DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS  
WASHINGTON, July 11, 1891.

David Martin, Esq.,

Coffeyville,  
Kansas.

Sir:

Referring to the evidence, filed with Agent Bennett and by him referred with favorable report on the 28th of May last, respecting your claim and that of your family to enrollment as beneficiaries under the 9th Article of the Cherokee treaty of 1866, and to participate in the distribution of the \$75,000 fund appropriated by Congress &c., you are informed that a supplemental schedule of Cherokee freedmen was approved by Acting Secretary Chandler, July 7, 1891. Said schedule contains the following, with other names, viz:-

|                          |           |          |
|--------------------------|-----------|----------|
| 3264, Martin, Mary Ann   | - - - - - | 27 years |
| 3265, Peterson, Lourina, | - - - - - | 13 "     |
| 3266, " Charity,         | - - - - - | 10 "     |
| 3267, Martin, David,     | - - - - - | 14 "     |
| 3268, " Wm.H.,           | - - - - - | 18 "     |
| 3269, " Eliza,           | - - - - - | 19 "     |

and has been forwarded to Agent Bennett, with instructions to make payment to persons whose names appear thereon.

Very respectfully

(Signed)

T. J. Morgan  
Commissioner

H.F.T.  
L.

INDORSEMENTS.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

F I L E D  
Jun 24 1901  
Tamm Dixby

Acting Chairman.

Lucy T. Bowman, under oath states that the above and foregoing copy which she made is a full true and correct copy of a document on file with the Commission to the Five Civilized Tribes.

Subscribed and sworn to before me this  
8th day of September, 1904

Lucy T. Bowman

*[Signature]*  
J. E. [unclear]  
[unclear]

*C* *R.B.* *FLY 488*  
DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED  
JUL 13 1900

*[Signature]*

ACTING CHAIRMAN.

James Smith

W. J. Smith

W. J. Smith

COMMISSIONERS.

HENRY L. DAVIS,  
TAMM BIXBY,  
ARCHIBALD S. McKEITHEN,  
THOMAS B. NEEDHAM.

ALLISON L. ATLEWORTH, Secretary.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Ind. Ter., June 4, 1900.

Miss Martin,

Muskogee, Indian Territory.

Dear Madam:-

On Friday, May 11th, you made application to this Commission for enrollment as a Cherokee Freedman and were refused for the reason that neither your name nor that of your ancestors are found on the authenticated roll of freedmen made in the year 1890. Since that date the instructions of the Department with reference to the enrollment of Cherokee freedmen have been modified, making it the duty of the Commission now to hear the testimony both for and against the identity of all freedmen, free colored persons and their descendants, and those who are found to have complied with the requirements of the treaty of 1866, as relates to persons of African descent, will now be listed for enrollment. You will, therefore, be given a further hearing at any one of the points named on the enclosed circular or at the office of the Commission at Muskogee on any day between the 20th day of June and the 1st day of July, 1900.

Yours truly,

Acting Chairman.

Chas. L.



# **NOTICE.**

## **Cherokee - Freedmen - Enrollment.**

The Commission to the Five Civilized Tribes will continue in session at

### **MUSKOGEE, IND. TER.,**

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Eliza Manuel,

Coffeyville, Kansas.

Cherokee F-D-488

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

mdg

COMMISSIONERS:

JAMES BIRNEY,  
THOMAS D. NEEDLES,  
C. R. BRACKINRIDGE,  
W. E. STANLEY.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedman  
D-488

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 25, 1904.

Kliza Manuel,

Coffeyville, Kansas.

Dear Madam:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for enrollment as a Cherokee freedman, together with a copy of the Commission's decision, dated March 5, 1904, rejecting, among others, your said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,



Commissioner in Charge.

Register

Enc. D-89

Cherokee Freedmen  
D-486 et al.

Muskogee, Indian Territory, March 26, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of David Martin, et al., including the Commission's decision, dated March 8, 1904, rejecting the applications for the enrollment of David Martin, Mary A. Leek, Jessie, Clarence, Coral, William, Julia, Georgia F., Wayne and Jettie Leoney, Eliza Manuel, William H., Captola, Amanda, Charles A., and Dunk Bescoe Martin, Fred and Mary T. Petersen, Lourena, Inola, Aleck and Elizabeth Rose and Charity Taylor as Cherokee freedmen.

Respectfully,

Through the  
Commissioner of Indian Affairs.

Commissioner in Charge.

Enc. D-96.

Cherokee Freedmen  
D-486 et al.

Muskogee, Indian Territory, March 26, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 8, 1904, in the consolidated case of David Martin et al., rejecting the applications for the enrollment of David Martin, Mary A. Leak, Josie, Clarence, Ceral, William, Julia, Georgia F., Wayne and Jettie Leoney, Eliza Manuel, William M., Captola, Ananda, Charles A. and Punk Rescoe Martin, Fred and Mary T. Petersen, Laurena, Inela, Aleck and Elizabeth Hefe and Charity Taylor as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Enc. 1-94.

Commissioner in Charge.

Referred to by 1894 and following:  
Land. 21067-1904.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, August 13, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated March 28, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen, by David Martin for himself; by Mary A. Leak for herself; by Jessie Looney for herself and her minor children, Clarence, Coral, William, Julia, Georgia P., Jettie and Wayne Looney; by Eliza Manual for herself; by William E. Martin for himself and his minor children, Captola, Amanda, Charles A. and Bunk Roscoe Martin; by Fred Petersen for himself and his minor child, Mary T. Petersen; by Perry Howe for his wife, Laurena Howe, and his minor children, Inez, Aluck and Elizabeth Howe.

March 3, 1904, the Commission decided adversely to the applicants.

The record shows that the principal applicant, David Martin, was the slave of a Cherokee citizen, and escaped from his master prior to the war and did not return to the Cherokee Nation prior to February 11, 1867.



The other applicants' sole title to enrollment is based on that of David Martin.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

W. A. Jones,

Commissioner.

N.Y.N.  
V.

Y. P.

THE

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

I.T.D. 3484-1904.  
D. S. 30844-1904.

August 18, 1904.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

March 25, 1904, you transmitted the record in the consolidated Cherokee freedmen case of David Martin, et al (D-405), including your decision dated March 5, 1904, rejecting the applicants.

Reporting in the matter August 13, 1904, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Theo. Ryan,

Acting Secretary.

1 inclosure.

COMMISSIONERS:  
TAMM HENRY,  
THOMAS E. HENKLES,  
C. E. BRACKENRIDGE

WM. D. HEALY  
Secretary

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

CHEROKEE FREEDMEN

D-488.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, September 1, 1904.

Eliza Manuel,

Coffeyville, Kansas.

Dear Madam:

You are hereby advised that the Commission's decision, dated March 5, 1904, rejecting, among others, your application for enrollment as a Cherokee freedman was affirmed by the Secretary of the Interior on August 18, 1904.

Respectfully,

Chairman.

COPY.

Cherokee Freedmen  
B-424-425-426-427-  
-428-429-430-431.

Hastings, Indian Territory, September 1, 1904.

Hastings, Bell & Bartowport,

Attorneys for the Cherokee Nation,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision, dated March 8, 1904, rejecting the applications for the enrollment of David Martin; Mary A. Lock; Jessie, Clarence, Gertrude, William, Julia, Georgia F., Wayne and Jettie Leoney; Elias Emanuel; Fred and Mary T. Petersen; Charity Taylor; William H. Captela; Amanda, Charles A. and Ruth Monroe Martin; Laura, Inola, Aleck and Elizabeth Rose as Cherokee freedmen, was affirmed by the Secretary of the Interior on August 16, 1904.

Respectfully,

SIGNED. *Tame Bixby.*  
Chairman.

-COPY-

W.C.F.  
Y. P.  
LLB

DEPARTMENT OF THE INTERIOR,  
WASHINGTON,

D. C. 43690-1905.  
I.T.D. 6494-1904.  
881-1908.  
LRS

September 14, 1905.

Commissioner to the Five Civilized Tribes,  
Waukegee, Indian Territory.

Sir:

The Department has considered a motion to reopen the Cherokee freedman case of David Martin et al, in which case the Department on August 18, 1904, affirmed the decision of the Commission to the Five Civilized Tribes, rejecting the applicants.

The motion for review is filed by the attorneys for the applicants, and is based on the ground that the former decisions are contrary to the law governing such cases and is not warranted by the facts as shown by the record. With said motion is filed the affidavits of Daniel Tucker and Fred Martin.

Considered in connection with the record the motion and affidavits submitted are not sufficient to justify the Department in reopening the case. The motion is therefore denied, and you will so notify the proper parties.

The motion is inclosed herewith.

Respectfully,

(Signed) Thos Ryan  
Acting Secretary.

1 inclosure.



Cherokee Freedmen

N-445, et al.

Muskogee, Indian Territory, September 22, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that this office is in receipt of Departmental letter of September 13, 1905, denying the motion of Blue & Bulger to have reopened the Cherokee Freedmen enrollment case of David Martin, et al., (C.F.N-445-4-6-7-8-9-60-61).

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

L9

Acting Commissioner.

Incl. 2-25

Cherokee Freedmen

B-445, et al.

Waskagee, Indian Territory, September 22, 1908.

Blus & Bulger,

Attorneys for David Martin, et al.,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that this office is in receipt of Departmental letter of September 13, denying your motion to have reopened the Cherokee Freedmen enrollment case of David Martin, et al.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

LS

Acting Commissioner.

Incl. 3-24

Cherokee Freedmen

R-447.

Muskogee, Indian Territory, September 22, 1906.

Elisa Manuel,

Coffeyville, Kansas.

Dear Madam:

You are hereby advised that this office is in receipt of Departmental letter of September 13, 1906, in which the motion, filed on your behalf, to have reopened the Cherokee freedmen enrollment case of yourself, et al., is denied.

Respectfully,

LS

Acting Commissioner.

D. C. 52011-1905.

( C O P Y )

J. V. H.  
THE

I. T. D. 14844-1905

L R S

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

November 15, 1905.

Commissioner to the Five Civilized Tribes  
Muskogee, Indian Territory.

Sir:

You are advised that a motion to reopen the Cherokee freedman enrollment case of David Martin, et al., has been filed in the Department.

See departmental letter of September 13, 1905, to you.

Respectfully,

(Signed)     THOS BYAN

First Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

-COPY-

J.W.H.  
PHE

D. C. 62744-1905.  
I.T.D. 14844-1905.  
IRS

DEPARTMENT OF THE INTERIOR,  
WASHINGTON. November 18, 1905.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

The Department is in receipt of a letter dated October 30, 1905, addressed to the Attorney General of the United States, from William H. Martin, of Vann, Indian Territory. This letter is in the nature of a motion for rehearing in the matter of the Cherokee freedman case of David Martin, et al., to which the said William H. Martin is a party applicant.

Neither this motion nor the affidavits filed in support of it bear evidence of service upon the attorney for the Cherokee Nation. Accordingly, all <sup>the</sup> papers filed with Mr. Martin's letter are inclosed herewith to be returned to him.

He asks to be advised what further steps should be taken to secure his enrollment. From the records of the Department it appears that a decision adverse to the applicants in the case of David Martin, et al., was rendered by the Department August 18, 1904. A motion to reopen this case was denied by the Department September 13, 1905. The Department finds that the motion now under consideration does not warrant a reopening of the case;



said motion is accordingly denied.

In advising Mr. Martin hereof it is requested that you explain to him carefully the requirements with which he must comply if he submits a motion for rehearing in his case or for review of the Department's action therein.

Reference is here made to departmental letter of November 15, 1905, relating to this case.

Respectfully,

(Signed) Thos Ryan

First Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

3 inclosures.

**Cherokee Freedmen**

**B-448.**

**Wahkago, Indian Territory, December 1, 1908.**

**William H. Martin,**

**Wann, Indian Territory.**

**Dear Sir:**

In connection with the Cherokee Freedmen enrollment case of yourself, et al., you are advised that this office is in receipt of Departmental letter of November 18, referring to a communication from you, dated October 30, 1908, addressed to the Attorney General of the United States, in the nature of a motion for rehearing in the matter of the Cherokee Freedmen case of David Martin, et al., to which you are a party applicant. You are advised that the motion is denied by the Department for the reason that neither it nor the affidavits filed in support of it bear evidence of service upon the attorneys for the Cherokee Nation, and for the further reason that the Department finds that the motion does not warrant a reopening of the case.

You are further advised that it has been the practice of the Department to only grant motions for review, or for reopening of Cherokee enrollment cases, where it is shown that the decision was contrary to the law and evidence, or where new evidence has been discovered that is material to the case and would probably change the status of the applications for enrollment.

-2-

If you can point out wherein the decision of the Department in rejecting your application for the enrollment of yourself, et al., as Cherokee freedmen is erroneous, you may file a motion for review of Departmental decision referred to, and the same will receive due consideration. If you are in possession of newly discovered evidence that is material to your case, you may advise this office of the same, stating in detail all the facts you can establish in the event of a reopening of your case and have your motion supported by affidavits of the witnesses whose testimony you desire to introduce, indicating therein fully the facts to which they will testify, evidence of service on the attorneys for the Cherokee nation of copies of all papers filed to be furnished, and the same will be forwarded, with recommendation, for the consideration of the Secretary of the Interior.

The motion filed by you with papers attached are returned herewith.

Respectfully,

Incl. B-B

Acting Commissioner.

( C O P Y )

Land  
6138-1906.

DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS  
WASHINGTON.

February 12, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

On January 5, 1906, the Department referred to the Commissioner to the Five Civilized Tribes, for report and recommendation, a communication from Josie Looney, dated December 27, 1905 asking that the Department order her enrollment and that of her children.

I now have the honor to enclose a communication from the Commissioner to the Five Civilized Tribes, dated January 17, 1906, in which he says that Mrs. Looney evidently refers to Cherokee freedman enrollment case of herself and children; that on March 8, 1904, the Commission to the Five Civilized Tribes rejected the application of Josie Looney for the enrollment of herself and her children, Clarence, Coral, William, Julia, Georgia F., Wayne, and Jettie Looney as Cherokee freedmen, which decision was affirmed by the Department on August 18, 1904, I.T.D. 6494; that on September 13, 1905, I. T. D. 881, and on November 18, 1905, I.T.D. 14844, the Department informed him that motions for a reopening of the case had been denied. He says the style

of the case is David Martin et al., Cherokee freedman D-486, and that there appears to be nothing contained in the letter of Jessie Looney which was not considered in connection with her application for enrollment.

It is recommended that Mrs. Looney be advised in accordance with what is said in the Commissioner's report, which is borne out by the records of this office.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

GAW-GH



D.C.20246

J.W.H.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

FHE

I.T.D.6494-1904.  
8533-1905  
8723- "  
2552-1906.

LRS.

May 19, 1906.

The Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

Referring to your report of January 17, 1906, there are inclosed herewith two motions for reconsideration of the Cherokee freedman case of David Martin, et al. These motions were filed with the Department September 7, 1905; the first (I.T.D. 8533-05) relates to all of the applicants in the case; the second (I.T.D. 8723-05) relates particularly to the case of Josie Looney, et al, which was consolidated with the said case of David Martin et al. Although a motion for a rehearing was denied November 18, 1905, in the Martin case, it does not appear that action has ever been taken on the inclosed motions. They are accordingly transmitted to your office in order that record therein of their filing may be made, to be returned thereafter with your recommendation. See enrollment sections of act of April 26, 1906 (Public No. 129).

A copy of Indian Office letter of February 12, 1906 (Land 6138-06, is inclosed.

Respectfully,

Jesse H. Wilson,

Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

3 inclosures.

Muskogee, Indian Territory, August 4, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

This office is in receipt of Departmental letter of May 19, 1906 (I.T.D. 4494-1904, 8533, 8723-1905, 8552-1906), enclosing two motions for reconsideration of the Cherokee Freedmen consolidated case of David Martin et al. You state that said motions were filed with the Department September 7, 1905; that the first (I.T.D. 8533-1905), relates to all of the applicants in the case; that the second (I.T.D. 8723-1905), relates particularly to the case of Josie Looney et al., which was consolidated with the case of David Martin et al., and that although a motion for a rehearing in the Martin case was denied November 18, 1905, it does not appear that action has ever been taken on the enclosed motions. They are transmitted to this office in order that proper record of their filing may be made, to be returned with this office's recommendation.

These motions for review are two of the 311 motions filed with the Department September 7, 1905, the filing of which this office was advised January 15, 1906 (I.T.D. 8297, 8337 to 8957 inclusive--odd numbers -- 1905, 460-1906).

Secretary-2.

All of the applicants included in these motions for review except Fred Martin and Eliza Looney, are embraced in the decision of the Commission to the Five Civilized Tribes dated March 5, 1904, in the Cherokee freedmen consolidated case of David Martin et al. D 486, et al. (now R 445 et al.), which decision was on August 18, 1904 (I.T.D. 6494-1904), affirmed by the Department.

In view of the provisions of the Act of Congress approved April 26, 1906 (Public No. 129) relative to the return to the Cherokee Nation of Cherokee freedmen, it is respectfully recommended that the motions so far as they relate to the applicants in the Martin case, be denied.

The Department, on September 13, 1905 (I.T.D. 881-1905) and November 18, 1905 (I.T.D. 14844-1905), denied motions for the reopening of this case.

The records of this office further show that the decision of the Commission to the Five Civilized Tribes dated March 5, 1904, rejecting, among others, the application for the enrollment of Eliza Looney D 537- R 656, which application was embraced in the Cherokee freedmen consolidated case of Esau Fox et al., D 508 et al., was affirmed by the Department on August 31, 1904 (I.T.D. 6756-1904). For the reasons above stated it is also recommended that said motions, so far as they relate to the case of Eliza Looney, be denied.

Secretary-3

The decision of the Commission to the Five Civilized Tribes rendered May 13, 1906, rejecting the applicants in the Cherokee freedmen consolidated case of Lewis Martin et al., D 289 et al., which case included the application of Fred Martin, was on May 13, 1906, forwarded to the Department, where it is now pending. No reason appears for the granting of said motions so far as they relate to the case of Fred Martin, and it is respectfully recommended that the same be denied.

Reference is made to two Departmental letters of May 2, 1906 (I.T.D. no number, I.T.D. 2347 .... 6705-1906), relating to the 311 motions for review herein referred to. Proper notations of the filing of these motions have been made upon the records of this office, and the same are returned herewith.

Respectfully,

Commissioner.

Through the Commissioner  
of Indian Affairs.

L M B  
Encl. B-30

( C O P Y )  
D E P A R T M E N T O F T H E I N T E R I O R , L L B O . R .  
W A S H I N G T O N . .

L.R.S.

I.T.D. 6494-1904.

November 3, 1906.

581-1905.  
8533- "  
8723- "  
7757-1906.  
12563- "  
12623- "  
15390- "

Commissioner to the Five Civilized Tribes,  
Muskegee, Indian Territory.

Sir:-

The Department has carefully considered, in connection with the record, motions for reopening the consolidated Cherokee freedman case of David Martin et al., filed September 7, 1905 (I.T.D. 8533, 8723), and June 23, 1906 (I.T.D. 7757), on behalf of Josie Looney et al.

The principal applicant, David Martin, a former slave of a Cherokee citizen, from whom he escaped and scouted in the woods of the Indian Territory until the outbreak of the civil war, when he joined the army and afterwards became a resident of the State of Kansas, is not shown to have actually returned and established a personal bona fide residence in the Cherokee Nation on or before February 11, 1867, as required by section 3 of the act of Congress approved April 26, 1906. (34 Stat. ,137).



The Department sees no reason to disturb its decision of August 18, 1904 (I.T.D. 6494), denying the application for the enrollment of any applicant claiming through the said David Martin, as do the moving parties herein. The Department still adheres to its decision of August 18, 1904, adverse to such applicants, and said motion for a reopening and reconsideration is hereby denied.

You will advise moving parties and their attorneys of this action.

The record has this day been returned for the files of the Indian Office.

Respectfully,

(Signed) E. A. Hitchcock,  
Secretary.

Through the Commissioner  
of Indian Affairs.

7 inclosures.

REFER IN REPLY TO THE FOLLOWING:

Cherokee Freed.

R-447.

DEPARTMENT OF THE INTERIOR.  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 14, 1906.

Elisa Manuel,

Coffeyville, Kansas.

Dear Madam:-

You are hereby advised that motions for rehearing of your Cherokee freedman case, filed by your attorneys September 7, 1905, were denied by the Department November 3, 1906.

Respectfully,

  
Commissioner.

Cherokee Freed.

B-448, et al.

Muskogee, Indian Territory, November 14, 1906.

Blum & Bulger,

Attorneys for David Martin and others,

Baxter Springs, Kansas.

Gentlemen:-

You are hereby advised that your motions filed September 7, 1906, and June 23, 1906, for a rehearing in the Cherokee freedmen cases of Davis Martin, et al. and Josie Leoney, et al., were denied by the Department November 3, 1906.

For your information there is enclosed a copy of the Department's decision.

Respectfully,

Commissioner.

Inc.-2-14-LBG.

Cherokee Freed.  
B-455, et al.

Muskogee, Indian Territory, November 15, 1906.

W. W. Hastings,  
Attorney for Cherokee Nation,  
Muskogee, Indian Territory.

Dear Sir:-

There is enclosed a copy of the Department's decision of November 3, 1906, denying the motions filed September 7, 1905, and June 25, 1906, for a rehearing in the Cherokee freedmen cases of Davis Martin and others and Josie Looney and others.

Respectfully,

Commissioner.

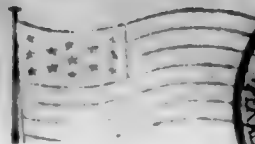
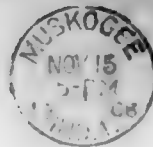
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Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

NOV 16 1886

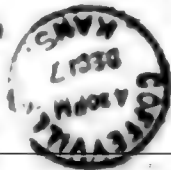


Eliza Manuel,

Coffeyville, Kansas.



NOV 16 1886

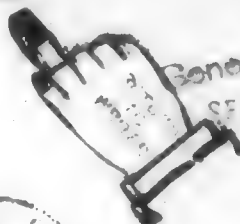
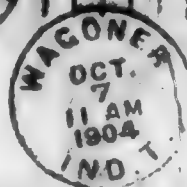


7447



Department of the Interior.

Commission to the Five Civilized Tribes,  
MUSKOGEE, IND. TER.



General Delivery,

SEP 4 1904

Eliza Manuel,

Coffeyville, Kansas



Missent to [unclear] Ind. T.

Cherish Creed.



General Office (2 + 4)

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Unclaimed.

Department of the Interior.

Commission to the Five Civilized Tribes,  
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



Unclaimed.

Eliza Manuel,

Coffeyville, Kansas.

REGISTERED

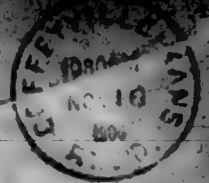
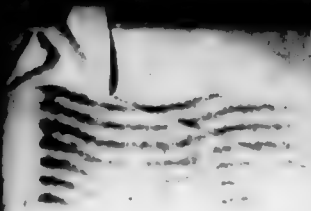
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MUSKOGEE, IND. TER.

MAY 6 - 1904



Department of the Interior.



THE UNITED STATES OF AMERICA

U.S. DEPARTMENT OF THE ARMY



Cher Fr R 448

See Cher Fr R 444 and R 107

Cher Fr R 448

1801

[illegible][illegible]



EXHIBITED, as to wife, Carrie.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Chelsoa, I.T., June 3rd, 1901.

In the matter of the application of William H. Martin for the enrollment of himself and three children as Cherokee Freedmen, and for the enrollment of his wife as a Cherokee Freedman by intermarriage; being sworn and examined by Commissioner Needles, he testified as follows:

Q What is your name? A William H. Martin.  
Q How old are you? A I don't know exactly, was where about 35.  
Q What is your post-office address? A Coffeyville and Elliott.  
Q Which one? A Coffeyville generally.  
Q What district do you live in? A Coconawashaw.  
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.  
Q Do you desire to enroll anybody besides yourself? A Me and my family.  
Q How much family have you got? A Wife and three children.  
Q What is the name of your wife? A Carrie Martin.  
Q What are the names of your children? A Captola.  
Q How old is Captola? A Five years old I think in December.  
Q Next child? A Amanda Martin.  
Q How old is Amanda? A Amanda will be three years old in February.  
Q Next child? A Charles Albert Martin.  
Q How old is Charles Albert? A About 15 months old.  
Q Is your wife a citizen? A She is a United States citizen.  
Q When were you married to her? A We was married about four years ago; we have been together ever since 1894.  
Q You married four years ago? A Yes sir.  
Q That would be about 1897? A Yes sir, '98 or '97.  
Q Have you any certificate of marriage? A No sir.  
Q Who married you? A A preacher named Pool.  
Q Is he living? A I couldn't tell you.

HENRY LOOK, being sworn and examined by Commissioner Needles, testified as follows;

Q What is your name? A Henry Look.  
Q How old are you? A About 31.  
Q What is your postoffice? A Nowata.  
Q You know William H. Martin? A Yes sir.  
Q You know his wife, Carrie? A Yes sir.  
Q You know whether they were married or not? A Yes sir.  
Q How do you know? A I seen them when they was married.  
Q Who married them? A Minister named Pool.  
Q Have they been living together as man and wife since that time to your knowledge? A Yes sir.  
Q Have they any children? A Yes sir.  
Q How many? A They have got three.  
Q You know their names? A The oldest one is named Captola.  
Q Next one Amanda? A Yes sir.  
Q What is the youngest named? A Charles Albert.  
Q Was Captola born while they were living together as man and wife after they were married? A I don't know sir, no sir, I don't know sir.  
Q You know they were married and you saw them married, do you know when that was? A Yes sir.  
Q About how long ago? A It was, I don't know sir, I have a rec-ord of it, I was married at the same time, but I can't remember what year it was.

Applicant, WILLIAM H. MARTIN, re-called, and further examined;  
By Commissioner Needles:

Q Mr. Martin, Captola was born before you married your wife?

William H. Martin et al 2

A Yes sir.

Q Were you living with her as man and wife at that time? A Yes sir.

Q How long did you live with her before you were married? A I guess we was together a couple of three years before we married.

Witness, HENRY LEAK, re-called and further examined;  
By Commissioner Needles:

Q Did you know William Martin and his wife before they were married? A Yes sir.

Q You know whether they were living together as man and wife?

A She was at his house all the time; that's where I got acquainted with her.

Q Was she keeping house? A Yes sir.

Q Had he been married before? A I don't know sir.

Q She was at his house? A Yes sir.

Applicant, WILLIAM H. MARTIN, recalled and further examined;  
By Commissioner Needles:

Q Were you ever married before? A No sir.

Q Were you keeping house with Carrie? A Yes sir.

Q You were keeping house together? A Yes sir.

Q Was your wife ever married before? A No sir.

Q Are these children all living at this time? A Yes sir.

Q You know Mary Ann Leak? A Yes sir.

Q What relation is she to you? A My sister.

Q Where were you born? A I couldn't tell you; ever since I can recollect I have been in the Nation here; I was on Grand River.

Q Have you always lived in the Cherokee Nation ever since you can recollect? A Yes sir.

Examined by the same Representative, W.W. Hastings:

Q Where did your father tell you you were born? A He never have told me yet to my knowing it.

Q Did your mother never tell you where you were born? A No sir, not my mother.

Q Well did any of your folks, your family, tell you where you were born? A My sister have.

Q Well what did she tell you? A I was born in Kansas.

Q Which one of your sisters? A My oldest sister.

Q What was her name? A Mary Ann Leak; I have been here ever since I can recollect.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not identified the reason.

1896 census roll of citizens of the Cherokee Nation examined and applicants not identified the reason.

Kerns-Clifton pay roll of citizens of the Cherokee Nation examined and applicant identified the reason as follows:  
page 170 #4197 Will Martin, Coowaseeowee District;

Wallace roll of citizens of the Cherokee Nation examined and applicant identified on  
page 178 # 8248 Wm/ H. Martin, Coowaseeowee District.

Q You never drew any money for your wife? A No sir.

Q Where was your wife born? A I couldn't tell you.

Q She what is known as a state woman? A Yes sir, known as a state woman.

William H. Martin et al 3

Examined by Cherokee Representative, W.W. Hastings:

Q Your wife have any children before this oldest child was born?  
A No sir.

Com'r Needles: William H. Martin applies for the enrollment of himself, his wife, Carrie, applying for himself as a Cherokee Freedman and for his wife as a Cherokee Freedman by intermarriage; his name is not found upon the authenticated roll of 1890 or on the census roll of 1896; he is duly identified upon the Kern-Clifton and the Wallace rolls; he avers that he was married to his wife, Carrie, in the year 1897; he avers that by his wife he has three children, Captola, five years old who was born before he married his wife; his two younger children, Amanda and Charles A., were born after his marriage; he presents no certificate of marriage, but makes satisfactory proof of same; he avers that he was living with his wife as man and wife when his oldest child Captola, was born. They are all duly identified and make satisfactory proof as to residence; he avers that he is a brother of Mary Ann Leak, and the son of David and Jane Martin; Mary Ann Leak was duly listed for enrollment on Cherokee Freedman doubtful card 435 and the testimony taken in said case will be made part of the testimony in this case of the applicant, and copies thereof will be filed with the testimony now being taken; William H. Martin will be duly listed for enrollment as a Cherokee Freedman on a doubtful card; his three children enumerated herein will also be listed for enrollment as Cherokee Freedman on a doubtful card; it will be necessary for him to make satisfactory proof as to the birth of said children, their names not appearing upon any of the rolls.

By reason of the fact that he was not married until 1897 too late under the laws of the Cherokee Nation for intermarried citizens to acquire any rights by intermarriage, the application for the enrollment of his wife, Carrie, will be rejected, - and attention is called to the fact of the birth of the oldest child before his legal marriage, although the testimony shows that he lived with his wife Carrie at his own residence when the said child Captola was born.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this June 8th, 1901.

*[Signature]*

Commissioner.

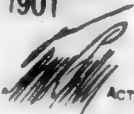
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F. D. 489

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**

JUN 3 1901



ACTING CHAIRMAN

## MEMORANDUM OF APPLICATION.

## CHEROKEE FREEDMEN.

Date

JUN 3 1901

Post Office

Zacharyville, Mo.

District

Reo

1. Name

William H. Martin

Age

25

Owner's name

Year

X. X.

Page

170

No.

4197

District

Citizenship

Reo

Parents:

Father

Citizenship

Mother

Citizenship

2. Name of wife

~~Robert Martin~~

Age

Owner's name

Citizenship

Year

Page

No.

District

Parents:

Father

Citizenship

Mother

Citizenship

Names of Children:

|     |                |      |      |     |       |   |
|-----|----------------|------|------|-----|-------|---|
| 3.  | Saptola Martin | Year | Page | No. | Dist. | 5 |
| 4.  | Annanda "      | Year | Page | No. | Dist. | 5 |
| 5.  | Charles A      | Year | Page | No. | Dist. | 1 |
| 6.  |                | Year | Page | No. | Dist. |   |
| 7.  |                | Year | Page | No. | Dist. |   |
| 8.  |                | Year | Page | No. | Dist. |   |
| 9.  |                | Year | Page | No. | Dist. |   |
| 10. |                | Year | Page | No. | Dist. |   |
| 11. |                | Year | Page | No. | Dist. |   |
| 12. |                | Year | Page | No. | Dist. |   |

Application made by

H. H.

Stenographer

W. D. Green

No 1 on Wallace Roll P. 175 No 3268 Wm H. Martin, Reo Dist  
 No 1 " St. Jo. Roll as Will Martin

No 2-54 Birth certificates required:

✓ ref to D 485.

✓ ref to rank of wife



COMMISSION TO THE FIVE CIVILIZED TRIBES  
DEPARTMENT OF THE INTERIOR

Aug 15 1901

-3-

What county did you get that from? A Ottawa.  
Mr. Hall: What year was that? I can't tell you nothing about that.

Commissioner: Mary Ann Beck applies for the enrollment of herself. She is not identified upon the authenticated roll of 1880, but is identified upon the Kern-Clifton and Wallace rolls, as Mary Ann Martin, that having been her maiden name. She avers that she is the child of David Martin. She will be listed for enrollment as a Cherokee Freedman, on a doubtful card, and will be notified of the decision of the commission, when arrived at, by mail.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

*Bruce C. Jones*

Sworn to and subscribed before me this 9th of August, 1901.

*[Signature]*

Commissioner

File with William H. Martin, C.F. D-489

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Chelsea, I.T., June 3, 1901.

In the matter of the application of Mary Ann Leak for enrollment as a Cherokee Freedman.

Mary Ann Leak, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A My name is Mary Ann Leak now.  
Q How old are you? A I am 37 years old.  
Q What is your postoffice address? A Nowata.  
Q What district do you live in? A Well, I don't know.  
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.  
Q Who do you want to enroll besides yourself? A I have three children.  
Q Under age? A No, sir.  
Q They are all married? A Yes, sir.  
Q Are you married yourself? A Yes, sir.  
Q Is your husband a citizen? A Yes, sir.  
Q Has he been enrolled? A No, sir.  
Q Why isn't he here to enroll with you, is he here? A Yes, sir, he is here.  
Q Do you want to enroll him? A No, sir, he will enroll himself I suppose.  
Q Is your name on the roll of 1880? A No, sir, I guess not.  
Q Is your name on any of the Cherokee rolls? A Yes, sir, it is on the Wallace.  
Q Did you draw what is known as the Kern-Clifton money? A Yes, sir.  
Q Did you draw your Kern-Clifton money under the name of Leak?  
A No, sir, I wasn't married to him then, I drew under the name of Martin.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.

The Kern-Clifton roll examined and the applicant identified thereon page 170, No. 4195, Cooweescoowee district, as Mary Martin.

The Wallace roll examined and the applicant identified thereon, page 175, No. 3264, Cooweescoowee district, as Mary Ann Martin.

- Q What is your father's name? A David Martin.  
Q Is he living? A Yes, sir.  
Q What is your mother's name? A Jane Martin.  
Q Is she living? A Yes, sir.  
Q Where were you born? A I can't tell you, you will have to see my father about that, I can't tell you anything about that, I don't know.  
Q Where were you raised? A In the Territory.  
Q In the Cherokee Nation? A Yes, sir.  
Q That the first place you can recollect? A Yes, sir.  
Q Well now, have you got any witnesses as to your citizenship?  
A My father.  
Q Is he a citizen? A Yes, sir.

DAVID MARTIN, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A David Martin.  
Q How old are you? A I am 64.

Q What is your postoffice? A Coffeyville.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir, I have been.

Q Is your name on the roll of 1880? A No, sir.

Q Do you know Mary Ann Leak? A Yes, sir.

Q What relation is she to you? A My daughter.

Q Is she a Cherokee citizen? A Yes, sir, she has been so recognized.

Q Does she get her citizenship through you? A Yes, sir.

Q Have you been enrolled yet? A No, sir, not this time.

Q What is your owner's name? A My true owner was named John Martin, but I lived with Joe Martin, his uncle, who was his guardian when his father died in an early day and his uncle was the guardian for him.

Q Was he a Cherokee citizen? A Yes, sir.

Q Were you taken out of the Cherokee Nation during the war? A No, sir, I was in the woods scouting about the breaking out of the war; yes sir, I belonged to him up to the war.

Q Did you remain in the Cherokee Nation during the war? A No, sir, I remained until February, 1861, in the woods, and then I went to Iowa in '61 and stayed there till '63, I married there in '62, and then went in the army and stayed in the army until the fall of '66 and then was discharged and returned back home in October, '66.

Q Have you been living here ever since? A No, sir, I went back to Iowa for my family, I married there and left this girl and my wife there when I went in the army, and went back there and got them and brought them back through in the fall of '66, up in Kansas, and left them there, and I came here and kept my children there until about 26 years ago I guess, then I came back here and I moved my family down here.

Q Well, 26 years ago; you have been living here for the last 26 years? A Yes, sir, most of the time.

Q Where was Mary Leak born? A She was born in Iowa.

Q Where were you married? A Married in Iowa.

Q That was in what year? A In '61.

Q Then you came back yourself to the Cherokee Nation in '66?

A Came back from the army when I was discharged, came here and came on home.

Q You didn't bring your family until 26 years ago? A I brought my family to up to Kansas, up to Ottawa.

Q But you didn't move them back to the Cherokee Nation until 26 years ago? A No, sir, I didn't bring them all back till 26 years ago.

Q Then you didn't live here in the Cherokee Nation absolutely not until 26 years ago? A Yes, sir, pretty near all the time, I was here in '73 and '4 and '5.

Q Well, where was you from '66 until '73? A I was partly in the Nation, I was scouting judge, the truth of it, I was in the woods; that is the reason I didn't bring my family back, they were trying to kill me.

Q Did you occupy any property or get any land or make a home here?

A Yes, sir, I had a home, had hogs and cows here all the time.

Q From '66? A Yes, sir, with my sister, right of that man's (Mr. Bell) house, east of where he lived.

Q Have you any other grown children besides Mary Ann? A I have four children, three girls and one boy.

Q What are their names? A One is named Josie Looney and the other is named Eliza and the other one is named Willie.

Q Are they here? A Yes, sir, all here.

Q Were they all born in Iowa? A No, sir, there was two born here and one in Kansas; two in Kansas and one here, and the grandchildren were all born here.

Q Are there any other facts in relation to your citizenship which you desire to state? A Nothing more than to prove I was here in '66, come through here in '66.

By W. W. Hastings, Cherokee Attorney: You were married in '61? A Yes sir.

Q In Iowa? A Yes, sir.

Q How come you to go to Iowa? A I got in trouble here at home.

Q How long before the war? A Got in trouble in the fall of '59 and winter of '60 and the winter of '60 I went in the woods.

Q The truth of the matter, you run away from here in '58?

A No, sir, I was here in '58.

Q Are you sometimes known as Wiley? A That is my name, sir.

Q You belonged to Dick Martin's father? A John Martin's father.

Q Well, what relation was he to R. L. Martin? A Tell Dick Martin was R. L. Martin and when Gabe Martin went to California he made Dick the guardian of John.

A Did you belong to Dick Martin? A No, sir, John Martin.

Q Well, Joe Martin had charge of you? A Yes, sir, I was off an orphan child's property.

Q And you ran away in about the year 1858? A No, sir, I ran off the winter of '59 or '60.

Q Winter of '59? A Yes, sir, '59 and '60.

Q Where did you go? A Went in the woods, I was scouting.

Q You went to Iowa? A No, sir, I didn't go to Iowa.

Q You were married in '61? A Yes, sir, I left here '61 when they were trying to catch me.

Q How long had you been acquainted with your wife when you married her? A About four months.

Q What time of the year '61 did you marry her? A Married her July 14, 1861.

Q How long had you been in Iowa when you were married? A About four months, been there about two months before I got acquainted with her.

Q And you were in Iowa when the war came up? A No, I was here in the Nation when the war came up, up in the neutral lands scouting.

Q You were in Iowa four or five months before you married? A No, sir, I wasn't that long, because I married about four months after I got acquainted, and I went there in March in the city where she lived.

Q In March of '61? A Yes, sir.

Q Well, this applicant was born in Iowa? A Yes, sir, born in Iowa.

Q Who came back with you to the Cherokee Nation after the war?

A I came back myself, I tell you I come from the army, I come right through here from the army.

Q Where were you discharged? A Discharged at Shr report, Louisiana, and mustered out at Baton Rouge, and then sent to New Orleans and paid off.

Q Where did you go from there? A Went home, come right up the Mississippi river until I got to a little town at the mouth of the Arkansas, and then I took the Arkansas and run up to Little Rock, and from Little Rock to Fort Smith, and from Fort Smith to Fort Gibson and there I took the military wagons and come from there home, went on from there to Kansas and when I come through here there wasn't anybody here.

Q Not anybody here? A Some few in Gibson.

Q Who did you see at Gibson? A Didn't know anybody but Irvin Vann and saw Jim Alberty after I got up on the prairie.

Q What prairie? A On the military road right along from Gibson to Fort Scott.

Q Did you know him before the war? A Yes sir.



Q Did you stop and have any talk with him? A I stopped and had a talk with him, and we camped by his house.

Q Where was Jim living? A Close to Miss Alberty's place.

Q When was that? A In '66.

Q What time in '66? A October, '66.

Q Then where did you go? A I went from there on to Leavenworth and from Leavenworth --

Q You went right on through this country to Leavenworth? A Yes, sir, and stopped a while, I stayed around there three or four days until I could get a government wagon for home.

Q You went to Fort Leavenworth then? A Yes, sir.

Q How long did you stay there? A I didn't stay there any longer than till I could get a steamboat to go up the river.

Q To Iowa? A Yes, sir.

Q You found your family up there? A Yes, sir, found my wife and child.

Q Well, I believe you stated you brought them down to Kansas?

A Yes, sir.

Q I wonder how long did your wife live there in Kansas? A Well I don't know, she was there two years she was under the doctor, they couldn't move her any way, had to lift her around in quilts; kept her there under a doctor two years and maybe two and a half, until they could get her cured, had to send back to Ohio to get a doctor to cure her.

Q Well, where did you first permanently locate in the Cherokee Nation? A I permanently located first, I took my claim right side of my sister's on Grand River close to my old home.

Q Close to the mouth of Cabin Creek? A Yes, sir, above the mouth of Cabin Creek.

Q About how far? A About three miles, or four.

Q When did you take that claim? A I took that claim in '73.

Q Did you live on it then? A Yes, sir, I improved it, put up some logs and a foundation on it.

Q Bring your family down then? A I went back and got them when I put the claim in.

Q Is that the first time you had ever come to Cabin Creek after the war? A No, sir, I traveled right through Cabin Creek as I was going home.

Q You testified five years ago that you came and located near the mouth of Cabin Creek in '66? A No I didn't.

Q You deny that now? A Why I sure deny it, I told you plain, you know I did.

Q Where did you have your cows? A Had them at sister Betty's.

Q When did you put them down there? A Put them down there, I don't recollect.

Q In 1873? A No, I put them there before '73: I put them there in '72 or '71; I was down there all them years.

Q But your wife and your children, your family, was in Kansas?

A Yes, sir, I left them up in Kansas.

Q How far did you locate from where Mr. Bell lives? A About three miles I reckon, or four miles.

Q How old is your second child, the next one to this applicant?

A I don't know, she is five or six years younger than this one; six or seven; my wife was sick all the time until I --

Q Just the exact age? A I don't know just exactly the age.

Q Now how old is the third child? A She is about 29 I guess.

Q She born in Kansas? A Yes, sir, born in Kansas.

Q Did you work for Frank Consino in the year 1866? A I and Reck Burrington and Ben Sanders, my brother Spence, came down in '66 in the winter, in January, '66, and chopped some wood for Lewis Bell, and I went back in March, '67; in '67 we came down, January, '67 is what I told you we did, we came down January, '67, and chopped wood for Lewis Bell and went back home where my family was in March, '67.



Q Mr. Bell lived there then? A Yes, sir, he was living there.  
Q You are certain of that? A Yes, sir, I know it.  
Q Well, he never came there till May, 1867? I am just telling you that. A Well he was living there in the Nation, I don't know whether he was living at his house or not.

JIM ALBERTY, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Jim Alberty.  
Q How old are you? A 70 years old.  
Q What is your postoffice? A Chouteau.  
Q Do you know Mary Ann Leak the applicant here; used to be Mary Ann Martin, or, Mary Ann Peterson? A I don't know her by that name.  
Q Do you know Dave Martin? A Yes, sir.  
Q How long have you known him? A Ever since we were both boys.  
Q Was he a slave? A Yes, sir.  
Q Who did he belong to? A Old Joe Martin.  
Q Was he a Cherokee? A Yes, sir.  
Q Well, when was the first time you saw Dave Martin after the war between the north and south? A At my house.  
Q When? A In 1868.  
Q What time in '68? A Well, I don't know for certain; it might not have been in the fall.  
Q Was he married then? A Didn't have no woman there.  
Q How long have you known him since that; have you known him since that? A Ever since that.  
Q Has he lived in the Cherokee Nation continuously since that time? A Everywhere I saw him it was in the Nation, never saw him out.  
Mr. Hastings: Jim, you know he hasn't been living here? A I don't know anything about that, I tell you he come to my house in '68, he come to my house and I went with him to where an old white man sold whiskey and got me a lot of whiskey and come back; I don't know where he went from that.  
Q You haven't seen him for a long time? A It might have been a year after that, before I saw him; I wasn't particular.  
Q Where did the white man live that you got the whiskey from? A Lived right there the other side of Russell Creek.  
Q Went all the way up there? A Yes, sir; he said he was going for his family.  
Q Was he on horse back too? A Yes, sir.  
Q But he testified that he came in the government wagons? A Well he did after he got up there I guess; I don't know about that.  
Q Well, at Fort Gibson? A I don't know; that is at home.  
Q Where were you living? A You know where the old place that old Baugh owns that you call the Nancy Markham place; I was living right there, it was my house.  
Q Do you know the time of the year? A It was in the fall as well as I recollect, fall or summer.  
Q Was that the only time you saw him in '68? A I don't know but what it was.  
Q Well, you have been thinking over the matter? A No, I have never thought over the matter.  
Q You knew you were going to be a witness for him? A I guess I am now, when they called me; I don't have to hear what any man says when I come to tell what I know.  
Q You testified for him five years ago? A Yes, sir.  
Q You testified then you knew he was working for Frank Conchine?  
A He I didn't.

Q Do you deny that now? A Yes, sir, I was working for Frank Consine.

Q At the time you saw him? A Not exactly at the time but I had been working for Frank and Henry Rider was working for me on this place.

Q Do you know where Dave's family was when you saw him? A No, I didn't know anything about his family, I didn't know he had one at that time; Frank told me himself, I was at his house at that time.

Q How do you know? A I heard him.

Q You were sitting right there? A I was sitting where you had me.

Q When did you see his family first? A It was a year or more after I saw him here, that is at my house.

Q Do you think you saw his family here within a year? A Well, it might have been, of course I didn't keep any record of it, I never thought about him until I seen him.

Q I want you to say now how long after you saw him until you saw his family? A Maybe a year or more.

Q How much more? A I don't know.

Q You think it has been as much as six or eight years? A I can't say that because I don't know.

Q You applied for enrollment yourself at Vinita? A Yes, sir, I did.

Q You are the man that Mr. Lindsey testified was sold out of here before the war? A Yes, sir, he did, and didn't testify the truth either.

Q But you joined the army at Little Rock? A Yes, sir.

Q Mr. Lindsey said you were sold out down below Little Rock? A Old Lindsey don't know any more about me than a rabbit.

Q You have been pretty near all over the Cherokee Nation in '88?

A Yes, sir, I was pretty near all over it, every place I could get whiskey to sell I went there, that is how come I was all over it.

Q What year is this? A Well I can't tell you that.

Q You don't know one year from another, do you? A No, nobody has never told me what year this is.

Q Yet you remember what happened 85 years ago? A People that has sense, knows the dates, and told me of that.

Q But they never told you a year since that? A No, sir, never asked nothing about it, because I didn't care, never had a thought nothing about the dates or anything else since; it was told me and I was satisfied I was inside of the treaty and I noticed everybody else I seen was inside until that year was out, then I never kept no record since because I thought them came home after that was out, and I didn't pay no attention to them.

Q Where did you first see this family, at what point? A I can't tell you that, I don't know that.

Q You don't know then where you saw his family? A No, sir, I don't know, I don't recollect.

Q And you don't know how many years? A No sir, I don't.

Q Do you know when you first next saw Dave? A No, I don't know as I can place where I next saw him; the way I recollect him now I went with him.

MARY ANN LEAK, recalled, testified:

Commissioner: Have you any children? A Yes, sir.

Q How many? A Three.

Q They are all married, are they? A Yes, sir.

Mr. Hastings: Where were you married first? A I was married, I can't tell you the place, it was in the states though, the first time I married.

Q Iowa or Kansas? A It was in Kansas.

Q What was your first husband's name? A Peterson.

Q Were you living with your mother at the time you married?  
A Yes, sir.  
Q What was the date of your marriage? A I can't tell you about that.  
Q About how old were you? A I can't tell you that either.  
Q I mean when you married? A Well I don't know exactly myself, father can tell you.

DAVID MARTIN, recalled, testified:  
Mr. Hastings: About how old was your daughter when she married first; as much as 18 or 20? A She was 18 I think.

MARY ANN LEAK, recalled, testified:  
Mr. Hastings: Were you married but the one time? A I have been married the third time.  
Q What is your oldest child's name? A Lourena.  
Q Where was Lourena born? A She was born, I don't recollect that either now; you will have to ask father that question.  
Q You are the mother of that child? A Yes, sir, I am her mother, but I don't know what year she was born or where we were living at.  
Q Born in Kansas? A We were living in Kansas when she was born.  
Q What is your next child's name? A Charity.  
Q Was she born in the Territory? A Yes, sir.  
Q Where? A Up there away up above where we first lived, I don't know where at.  
Q That is when you first came into the Territory? A Yes, sir.  
Q Now how old is the second child? A I don't know that either, I never kept no account of nothing of the kind, my father attended to that.  
Q Did you come in when your mother came? A Yes, sir, I came with my father and mother.  
Commissioner: What was your first husband's name? A Peterson.  
Q What was your second husband's name? A King.  
Q Is he living? A I don't know, sir, whether he is or not.  
Q Your first husband? A I don't know that either.  
Q Were you divorced from both of them? A Yes, sir.  
Mr. Hastings: Where were you married to King, your second husband? A Down here at Lightning Creek at Campbell's office.  
Q Where were you divorced from Peterson? A In the states.  
Q Kansas? A Yes, sir, where I married him.  
Q Who was the father of the second child? A Peterson; I have no children by any man except my first husband.  
Q Those three children must have been born in Kansas? A No, sir, wasn't all born in Kansas.  
Q You got a divorce from him in Kansas? A Yes, sir.  
Q Did you go back to Kansas after you came back here? A Yes, sir.  
Q How long had you lived here when you returned to Kansas? A When I went back, I didn't exactly know.  
Q A month? A I guess must be longer than that.  
Q Well, from your best judgment? A Well, I can't tell you, my father will have to tell you about that because me being quite young, I never paid no attention to nothing of that kind.  
Q You can state whether you stayed here longer than a month when you first came down here, before you went back? A Yes, sir, I guess something over a year before I went up.  
Q How long did you live in Kansas when you went back? A I wasn't living in Kansas, I just went there merely on a visit, and came back.  
Q You got a divorce up there? A Yes, sir, but I didn't have to stay there long to get it.

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BUREAU OF INDIAN AFFAIRS

-3-

Q What county did you get it in? What town? A Ottawa.  
Mr. Bell: What year was that in? A I can't tell you nothing about that.

Commissioner: Mary Ann Leak applies for the enrollment of herself. She is not identified upon the authenticated roll of 1880, but is identified upon the Kern-Clifton and Wallace rolls, as Mary Ann Martin, that having been her maiden name. She avers that she is the child of David Martin. She will be listed for enrollment as a Cherokee Freedman, on a doubtful card, and will be notified of the decision of the Commission, when arrived at, by mail.

\*\*\*\*\*

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 9th of August, 1901.

[Signature]

Commissioner.

INDIAN TERRITORY,  
CHEROKEE NATION.

I hereby certify that I served the within  
notice on \_\_\_\_\_

delivering a true copy thereof on the  
\_\_\_\_\_ day of \_\_\_\_\_ A. D. 1901

Given under my hand and this  
\_\_\_\_\_ day of \_\_\_\_\_ A. D. 1901.

\_\_\_\_\_  
Marshal for the Cherokee Nation.

I, the undersigned attorney for the  
within named applicant hereby accept  
service of the within notice on this the  
\_\_\_\_\_ day of \_\_\_\_\_, 1901.

\_\_\_\_\_  
Attorney for applicant.

UNITED STATES OF AMERICA }  
INDIAN TERRITORY, } s. s.  
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a  
true copy of the within notice to \_\_\_\_\_

\_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ A.D. 1901

Subscribed and sworn to before me  
this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 1901.

\_\_\_\_\_  
Notary Public.

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

OCT 2 1901



# NOTICE!

IN THE MATTER OF the application of Mr. H. Martin  
for enrollment as a Cherokee citizen:

Case No. D. 489

To Mr. H. Martin Coffeyville Kans.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory.

Indian Territory, on Oct. 24 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 16 1901

L. B. Bell.  
M. W. Hastings  
Attorneys for the Cherokee Nation.

*The Missouri Pacific Railway Company.*

*St. Louis, Iron Mountain & Southern Railway Co.*

*and*

LEASED, OPERATED & INDEPENDENT LINES.

*W.B. Outten.*  
Chief Surgeon, St. Louis, Mo.

*Hospital Department.*

*Coffeyville, Mo., 9/27/1901*

*J.B. Needles,*  
*Commissioner U.S. Court,*  
*Vinita, I.T.*

Dear Sir: I am informed that  
W.H. Martin, who lives S.W. of  
Coffeyville has been summoned  
to appear before you Oct. 27/01 -

And W.H. Martin, son of David Martin  
is now sick in bed of Typhoid fever,  
and will be unable to make such a  
trip for two weeks or longer.

Very truly yours,

*W.C. Ball, M.D.*

*Attending Physician*

# AFFIDAVIT.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
NORTHERN DISTRICT. } ss

In the matter of the application of Wm H  
Martain for enrollment as a Cherokee Freedman.

No. F. D. 489

Henry Pack, of lawful age, being duly sworn on oath states that on the 17th day of September, A. D., 1901, he registered to Wm. H Martain whose postoffice is Boffeyville Kan, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at Lark Gibson Indian Territory; and that on the 2nd day of October, 1901, he received the return card which is hereto attached, signed by the said Wm. H Martain, showing that he had received said notice.

Henry Pack  
Subscribed and sworn to before me on this the 2nd day of Oct. A. D. 1901.

J. C. Starr

Notary Public.

[illegible]

CD, 0 XNOM 1997-01-01 02 00:00  
DA 100 XNOM 1997-01-01 02 00:00

Small square is cut out and attached to the back of the card.

The surgeon as he put down these papers he told them that he had said nothing to the first witness, as he was not one of the party (the Queen) and the surgeon as they passed, "I have been told that you have never after your own and faithful service been in the room."

(BA The Commission)

I am sorry to hear that you are having trouble with your records. I will try to help you as much as I can.

First, let's look at the records you have. It seems like you have some information about the people who were arrested, but it's not very clear. Can you tell me more about what you have?

Next, we need to figure out how to get the records from the other agencies. This might take some time, but I'll do my best to get them for you.

In the meantime, if you have any questions or need more information, please don't hesitate to ask. I'm here to help.

Sincerely,  
[Signature]

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
FILED  
9 1901

File with case of Wm H. Martin et al.  
C.F. No. 489.

Department of the Interior  
Commission to the Five Civilized Tribes,  
Vinita, I. T. October, 25 1901.

SUPPLEMENTAL TESTIMONY in the case of David Martin et al., C.F.D. #486.

W. W. Hastings, attorney for the Cherokee Nation.  
Mellette & Smith attorneys for the applicants. (Applicant present)

SMITH EWING, being first duly sworn by Commissioner C. R. Breckinridge, testified as follows on the part of the Cherokee Nation:

- Q What is your name? A Smith Ewing.  
Q Have you any middle name? A No sir.  
Q How old are you? A Going on 81.  
Q What is your post office? A Ottawa.  
Q In Kansas? A Yes sir.  
( By W. W. Hastings )  
Q You live in Ottawa, Kansas? A Yes sir.  
Q How long have you been living at Ottawa? A I came there in 1867.  
Q Where did you move from? A I moved from Ohio City, a little place eight miles south of Ottawa.  
Q How long had you lived within eight miles south of Ottawa before '67?  
A I came there in '65.  
Q Have you been living in Ottawa since '67? A Yes sir.  
Q Do you know this colored man, David Martin that you see here? A I do.  
Q When did you first become acquainted with him? A '66, first time I ever recollect of ever seeing him.  
Q Where did you see him? A In Ottawa.  
Q Do you know his wife? A I do.  
Q What is her name? A Jane.  
Q When did you meet his wife to know her? A In 1867 after I got acquainted with brother Martin.  
Q Where did you get acquainted with his wife? A In Ottawa.  
Q Did they have any children? A They did.  
Q Name some of them if you remember? A Mary Ann.  
Q Recollect any of the rest of them? A I can't swear to what the children's names were only Mary Ann.  
Q Do you know whether Mary Ann was married? A Yes sir she was married.  
Q Who to? A Man named Peterson.  
Q Do you know where Martin's wife was in '66 when you knew him and before you knew her? A I don't.  
Q Did he or she ever tell you where she was? A Never did, neither one of them didn't telling.  
Q You don't know where she came from when she came to Ottawa? A No sir I don't know personally from her.  
Q Or from him either? A No sir I don't think he or she either ever told me.  
Q Well, what was Dave Martin and his wife doing when you knew 'em in Ottawa? A I don't know.  
Q Were they living there? A Just living there as any other citizens I don't know as they had any particular trade.  
Q How long did you know them up there, living there in Ottawa? A I don't know how long six or eight years; I don't know how long exactly, never kept no track of it.  
Q Some six or eight years? A Yes sir, that long or maybe longer; he was a member of our church and a prominent man there.  
Q What time in '66 do you think you saw him first? A First of August, I believe it was or September, I don't know which; we used to have a day we celebrated.  
Q It was then in the summer of '66? A Yes sir.



Q You live now in Ottawa Kansas? A Yes sir.

( By Mr. Smith )

Q Where were you when the war commenced? A In Fayetteville, Arkansas

Q Where did you go during the war? A I went several places.

Q Did you go out of the State of Arkansas? A Yes sir.

Q Where to? A Missouri.

Q Where were you when the war closed? A In Kansas

Q Where were you when you were freed? A When I was declared freed?

Yes. A In Arkansas

Q When was that? In '62, February, no it was in '63 when I received a message from my Captain that I was free.

Q Do you know what time in '63? A Long in January.

Q Do you know what time in January? A I don't know, I didn't care about the time all I cared was about the freedom.

Q What time did you go to Kansas? A Spring of '63, April.

Q Did you know David Martin before the war? A No sir.

Q When did you first get acquainted with him? A '66

Q What time in '66? A August or September, we was at the celebration.

Q Where were you in '65? A I was in Pottawatomie

in Kansas? A Yes sir.

Q Where were you in '66, in Kansas? A Did I say '65?

Yes? A Well I was in Ohio City in '65.

Q Where were you in '67? A In Ottawa.

Q Have you lived there ever since? A Yes sir.

Q When did you say that Dave Martin lived there in Ottawa? A '66, I

saw him there. -- It has all been so long I don't exactly remember

it all, I never kept no track of it.

Q You never knew nothing of him until you saw him at that celebration

in '66? A No sir.

Q You don't know what date that was? A No sir, my recollection is

growing very short, I don't know if it was August or September.

Q Do you know if it was either one of those months? A Yes sir.

Q Might it not have been as late as October? A No sir it wasn't

October.

Q Are you sure that celebration was in '66? A Yes sir I am sure of hat

What makes you sure of it? A Because I know what year it was, I know

from the time I come to Kansas, I know just when I come from there to

Kansas.

Q When did you come there? A 1863

Q What month? A April

Q How long had you been there when this celebration come up? A I

lived in Linn County in '63, in Franklin in '64, and in '65 I lived

in Franklin -- hold on there, let me see whether this celebration

was in '65 or not -- '65, that is right.

Q Then as a matter of fact it was in '65? A Yes sir.

Q Who spoke up there? A There was no speaking there was ~~stammering~~

let's see there was Fuller Carter and Alice Gray and --

Q Have a man named Ransom that made a speech? A I don't know, there was

so many and I never kept no track, it has been so long.

Q Now that celebration was in '65 wasn't it? A No sir it wasn't,

no the first celebration was in '65.

Q You are talking about the one at which you met David Martin? A No sir

you think it was in '66 so you? A Yes sir I recall it very well

Q Since you have brought it to my mind.

Q Do you know where David Martin was in '66? A I don't know, only I

saw him in Ottawa, but I don't know where he was all the time, he

is in and out, he is like a fish a fluttering and a jumping, just

like a fish out of water, and he flatter and jump so much I can't

say where he was.

Q Then you are mistaken in saying that it was in '66 that you saw

him first? A Yes sir I made a mistake there.

Q Now you state now positively that you saw him at all in '66? A Yes

course I can.

Q Where did you see him? A Saw him in Ottawa.

Q But you don't know where he was all the time? A Just like I did other citizens, some days I seed him and some days I didn't.

Q How long did you continue to see him there? A Seed him frequently for 6, 7 or 8 years, I don't know exactly how long.

Q Where were you living in '66? A I was living down to Ohio City, south of Ottawa.

Q How far from Ottawa? A Eight miles.

Q You were not living in Ottawa then? A My home wasn't there I worked in Ottawa I was working a team there.

Q Did you team in Ottawa in '66? A Yes sir.

Q How much of the time? A I teamed there all fall and summer, that was my occupation.

Q But your home was in Ohio City? A Yes sir.

( By the Commission )

Q You say you got acquainted with Dave Martin's wife Jane along about '67? A Yes sir after I moved to town.

Q When did you move to Ottawa? A In '67.

Q And you have made it your home ever since? A Yes sir.

Q Now according to Dave Martin's account and according to your own account he took his family away from there about '74? A (No response.)

Q Were you acquainted with his family from '67 to '74, 6 or 8 years? A Yes sir.

Q What were you doing in Ottawa during that time? A I was living there and my occupation was quarrying and hauling stone.

Q Did you belong to the same church as Dave Martin? A I did.

Q You say he was a prominent man in the church there? A Yes sir.

Q Was he living there with his family all the time for that six or seven years? A Yes sir.

Q Did you meet him regularly at church during that time? A Yes sir.

Q You don't remember his being away from there for any considerable length of time during that time? A He was away in and out.

Q Did he seem to be a man that was making that his home with his family? A That was his home, he told us though that he belonged in the Nation.

Q Was he living there pretty much of the time with his family? A Yes sir.

Q What business did he follow? A Anything he could get to do, well digging and anything he could make any money at, anything he could get to do like the rest of us poor fellows.

Q Did you ever miss him from church any great length of time? A Yes sir I have missed him considerable from church.

Q How much of the time? A I never kept track.

Q Did he impress you as a man that would stay away from his family for a long period of time? A Not a great long period of time.

( By Hastings )

Q Mr. Ewing, what the Commission wants to know is whether or not you saw Dave Martin at regular intervals and frequent intervals for the six or eight years that you say you saw him living there like any other man of that town? A Yes sir, saw him just like any other man there.

( By Smith )

Q Do you know whether in '73 Martin's wife joined the church up there? A We I don't recollect anything about her joining the church.

Q Didn't your brother and this man's wife get religion at the same time up there in '73? Isn't Brice Brown your brother? A Yes sir.

Q Don't you recollect him and Jane Martin getting religion about the same time? A I recollect of my brother getting religion but I thought Sister Martin had religion long before that; I recollect the revival there very well.

Q When was it? A It has been so long I am not positive as to the time, it was before we built our new church.

Q Do you know whether if at this time Dave Martin was away from that

place and here in the Nation? A I think he was.

Q Can you tell us when that was? A The church was founded in 1887—I guess 1886, it has been so plagued long my mind is so forgetful.

Q Then you don't know? A I won't swear when it was.

( By the Commission )

Q Did you visit frequently at Dave Martin's house? A Yes sir.

Q Do you remember how many children he had in Kansas? A No sir. I don't remember.

HORACE B. PARAMORE, called and sworn as a witness by Commissioner J. R. Breekinridge, testified as follows: ( On the part of the Cherokee Nation )

Q What is your name? A Horace B. Paramore.

Q How old are you? A 43.

Q Where do you live? A Ottawa, Kansas.

Q That is your post office is it? A Yes sir.

( By Hastings )

Q What is your occupation? A My business is physicial and surgeon, but I haven't been doing that for some little time.

Q How long have you lived in Ottawa? A Since the 28th day of March 1865.

Q You were quite small when you come there? A Yes sir, landed there on my 11th birthday.

Q Do you know this colored applicant for citizenship, David Martin? A Yes sir.

Q Where did you first know him? A At Ottawa.

Q Do you know his wife? A I used to know her, I don't know if I would if I saw her now or not.

Q He had a wife, did he? A Yes sir.

Q Where did you first know this colored man Dave Martin? A I think I got acquainted with him when he first came there, there were only a few people white or black at that time.

Q When was that? A Fall of '66.

Q How large a place was Ottawa at that time? A I dont think more than sixty or seventy-five perhaps one hundred people.

Q New town? A Yes sir.

Q You have continued to reside there ever since that time up to now? A Yes sir.

Q How long did you know Dave Martin and his family to reside there from when you first knew the, on up? A They resided there several years, as to the exact number of years I can't say, I don't know exactly when they left there.

Q You know they resided there a number of years? A Yes sir.

Q Did you see Dave Martin frequently? A Yes sir.

Q What is your best judgment as to the length of time that you saw he and his family there? A Well I should say that they lived there at least 10 or 12 years and probably more, that is the best of my judgment, 10 or 12 years at the least calculation.

Q Did you see him there as you would any other resident of the town? A Yes sir.

Q Do you remember his wife's name, or did you know that? A I cant say for certain that I do.

Q Do you know of his having children? A Yes sir.

Q Did you see them there? A Yes sir.

Q Do you remember any of their names? A Well, I cant swear that I

Q You know that he had children though? A Yes sir and I probably know them at the time.

By Mr. Smith

Q What are your initials? A H. B.

Q What business are you engaged in now? A A. Paramore

anything for the past eight years; I loan some money and look after my property.

Q Your business is that of a physician and surgeon? A Yes sir.

Q You say you were only six years old when you went to Ottawa? A Yes sir.

Q You don't know the time positively that Martin came to Ottawa? A The exact dates?

Q You don't know the exact year? A I think it was early in the fall or late in the summer of '66.

Q Do you state that positively or not? A I do.

Q That it was in '66? A Yes sir.

Q How do you fix that date? A By conversations I have had with my folks at home, with old citizens there, and with a conversation I had with Mr. Martin in Parsons on yesterday.

Q Do you fix it with conversations you had with him or with others? A With all of them together, all agree in regard to the date.

Q You are not testifying then as to your independent recollection as to the time? A I recollect him as one of the first colored men in Ottawa.

Q Can you testify as of your own independent recollection that he came there in '66? A You have my answers which are the best that I can give you.

Q Can't you answer that yes or no? A I say yes.

Q Then you can recollect this without reference to anything that anybody told you, that it was '66 that he came there? A Yes sir.

Q And remember that it was in the fall? A I said it was either late in the summer or early in the fall.

Q If you remember it yourself and can state it from your independent recollection, why do you state anything in regard to conversations had with other people? A In the first place I wanted to be sure and when these other folks agreed with me in regard to the time I said so. After I was subpoenaed down here I talked the matter over with the people who were there, as I wanted to be sure about it. In 1865 there were no colored people in Ottawa at all and in 1866 there was four families I think moved into Ottawa and Mr. Martin was one of these families.

Q Do you remember that in the year 1865 there were no colored people in Ottawa, or is that what you have been told? A I remember it because there were only two or three families of whites there then, and no colored people at all.

Q You went there yourself in '65? A Yes sir.

Q You were then six years old? A Yes sir.

Q Do you claim that you remembered the change of the year, the ending of '65 and the beginning of '66 at that age, and that in the one year there were no colored people there and in the next year there were four families of them moved in? A Yes sir, I remember their coming there because where I come from there were no colored people.

Q Where did you live before you came to Kansas? A Ohio.

Q Might it not have been '67 instead of '6? A It might have been but I don't think it was.

( By Hastings )

Q You say you had a conversation with Martin which refreshed your memory? A Yes sir he had a conversation with me; he met me in Parsons and asked me -- no, I told him I was coming down here to testify for the Nation, and he got so disconcerting when he came there, and he said " In the first place I came there in August of '66 " and then he said " Hold on, it was October of 1866 "

( By Hastings )  
Q What did Mr. Martin say in his conversation, if anything in regard to the length of time he staid there at that time? A Well he stated that the Sharretts Nation knew that he commenced suit against them somewhere along in the 70's, I don't remember that time in '70, whether



it was in '70, '72, '74 or '76, and that their records would show the dates. He said "the records will show the date I commenced that suit. I was afraid to bring my family from Kansas to the Nation". But as to what year in the '70's I don't know - I don't know if he stated exactly the year.

( By the Commission )

Q Do you know whether Dave Martin ever voted in Ottawa or not? A No to that I can't say, I was too young to mix in politics then, if it was within the last fifteen years I could tell you.

Q From the time he arrived with his family in Ottawa until he took them away some six years afterwards, did you know him and his family as steady and consistent residents of Ottawa? A Yes sir.

Q Was he living there as a man who came there from time to time or as any other regular resident? A He is a man who lived there continuously.

Q Did you ever miss him for any length of time? A No sir.

( By Smith )

Q Did he have any children at that time? A I don't know whether he had any children in the first place, he had one or two born there.

Q The children he had born there when he left there were small children were they not? A Yes sir, small children.

( Smith Ewing re-called and examined by the Commission )

Q Do you know whether David Martin ever voted up in Ottawa? A No I don't know whether he did or not.

=====

This will be filed as supplemental testimony in the case of David Martin et al., C. F. D. #486, and also in C. F. D. #485, #497, #487, #488, #489, #490, #491, and #501.

\*\*\*\*\*

Chas. von Weise, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full, all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein

*Chas. von Weise*

Subscribed and sworn to before me this the 3rd of October, 1901.

*[Signature]*

Commissioner.



Department of the Interior,  
Washington, D. C., May 11, 1901.  
Vinegar, N. Y., October 15th, 1901.

21. The writer of the collection of Thomas Fuller's

ATTACHED 2

1. The first part of the document is a letter from the National  
 2. Association of Manufacturers to the President of the United States.

...of the ... ..  
... ..

*(continued)*

[illegible]

1965

1. Bei der Planung von Investitionen ist die Berücksichtigung der Umweltverträglichkeit von zentraler Bedeutung.

1906-1907

7-10-68

... to the CIO ...

DATA 99-9 UC1 DE 1572 1953 11/10/53

10000

A full page of "Lynch Yourself or a Devotion" also of '57 and the title  
appears "The New Nation" or "The Nation" A full page of '57 and the

Would you ever have told of any one being away from them? A 26 etc.

1943

There are several points in the above character of the above name

It is a right precious page in the history of the Cherokee Nation.

[illegible]

1950

100-443887-100

1992

There was only one CIA agent in the Bahamas. Baptista in 1961 was

16-5954-1

There will be added to the above mentioned cases, 1-200; 1-1008; 1-417; 1-488; 1-489; 1-490; 1-491; 1-492; 1-493; 1-494; 1-495; 1-496; 1-497; 1-498; 1-499; 1-500; 1-501; 1-502.

On May 19, 1967, [redacted] advised that as stated earlier  
to the Admiralty to the five identified tribes he reported in full  
all the proceedings in the above case and that the "Foregoing"  
tribes were all going to "participate" in his ethnographic notes.

1940-1941

...and shown to be true by the fact of October 1961.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I. T. October, 15th 1901.

In the matter of the application of Thomas Archer, C. F. D. 901.

Appearances:

James S. Davenport for the Cherokee Nation  
Mellette & Smith for the applicants:

CLEM V. ROGERS, being first duly sworn by Com'r T. B. Needles,  
testified as follows on the part of the Cherokee Nation:

( By Davenport )

Q What is your name? A Clem V. Rogers.

Q Where do you live? A Claremore.

Q What is your age? A 63.

Q How long have you lived in the Cherokee Nation? A All my life  
except during the war.

Q Do you know the applicant Thomas Archer? A Yes sir.

Q How long have you known him? A Since '80.

Q Where was he when you first saw him to know him? A Cooweescoowee  
district.

Q Where were you in '67? A Fort Gibson.

Q Did you have anything to do with the Roger's Salt Works on Grand  
river in '67? A No sir.

Q Did you go there yourself or with anyone else in '67 and take them  
away from Thomas Archer or any other person? A No sir, in '67 I was  
freighting.

Q Did you ever drive him or any one else away from there? A No sir.

( By Mr. Smith )

Q There are several gentlemen that are Cherokee citizens by your name  
are there not? A Yes sir.

Q It is a right prominent name in the history of the Cherokee Nation?  
A Yes sir.

Q If Thomas Archer testified that you took the salt works away from  
him he was mistaken about that? A Yes sir.

Q You dont know when he came back? A No sir.

Q Did you know him before the war? A I dont know that I did.

( By Davenport )

Q There was only one Clem Rogers in the Cherokee Nation in '67 that  
was a grown man? A I didn't know of any other at that time, there  
is several now.

=====

This will be filed in Cherokee Freedman cases, D-901; D-1003; D-487;  
D-497; D-486; D-484; D-488; D-489; D-490; D-491; D-628; D-960; D-564;  
and D-568.

\*\*\*\*\*

Chas. von Weise, being first duly sworn, states that as stenographer  
to the Commission to the Five Civilized Tribes he reported in full  
all the proceedings in the above cause and that the foregoing is  
a full, true and correct transcript of his stenographic notes therein

*Chas. von Weise*

Subscribed and sworn to before me this the 17th of October 1901.

*[Signature]*  
Commissioner.

When the above was received by the Bureau on October 19, 1968.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Winita, I. T. October, 15th 1901.

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Appearances:

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Mellette & Smith for the applicants:

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Q Do you know the applicant Thomas Archer? A Yes sir.

Q How long have you known him? A Since '80.

Q Where was he when you first saw him to know him? A Choweescoowee  
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Q Where were you in '67? A Fort Gibson.

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Q Did you go there yourself or with anyone else in '67 and take them  
away from Thomas Archer or any other person? A No sir, in '67 I was  
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Q Did you ever drive him or any one else away from them? A No sir.

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Q If Thomas Archer testified that you took the salt works away from  
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( By Davenport )

Q There was only one Clem Rogers in the Cherokee Nation in '67 that  
was a grown man? A I didn't know of any other at that time, there  
is several now.

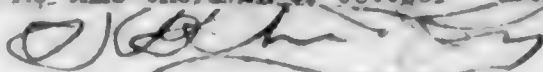
=====

This will be filed in Cherokee Freedman cases, D-901; D-1008; D-485;  
D-497; D-486; D-484; D-488; D-489; D-490; D-491; D-828; D-950; D-564;  
and D-568.

\*\*\*\*\*

Chas. von Weise, being first duly sworn, states that as stenographer  
to the Commission to the Five Civilized Tribes he reported in full  
all the proceedings in the above cause and that the foregoing is  
a full, true and correct transcript of his stenographic notes therein

Subscribed and sworn to before me this the 17th of October 1901.



Commissioner.





Department of the Interior  
Commission to the Five Civilized Tribes,  
Vinita, I. T. October, 28rd, 1901.

Supplemental testimony in the matter of the application of David Martin C. P. D. 486.

Appearances:

James S. Davenport for the Cherokee Nation.  
Mellette & Smith for the applicants.

H. C. HARFORD being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation:

( By Davenport )

Q What is your name? A H. C. Harford.

Q Where do you live? A Ottawa, Franklin County, Kansas.

Q How old are you? A 44.

Q How long have you lived in Ottawa Kansas? Since 1865.

Q Since you have been living in Ottawa, Kansas, did you become acquainted with a colored man named David Martin? A Yes sir.

Q When did you become acquainted with him? A In the Summer of '87.

Q Have you seen the gentleman since you come down here? A Yes sir I met him on the street.

Q How long after you became acquainted with him did David Martin reside at Ottawa or near there, or about how long? A David Martin lived at Ottawa and left there about 21 years ago, 20 or 21 years ago, and from the time he came there he was there off and on all the time, I missed him for a while and saw him for a while, he would be gone a good deal, where he was I of course don't know.

Q Did he have a family there? A Yes sir.

Q You say you met him this morning? A Yes sir.

Q Did you recognize him as the David Martin that you knew up there?

A Yes sir, I did.

Q Did he recognize you? A He didn't for a while, after he studied he finally made up his mind who I was.

( By Smith )

Q What time did you first know David Martin? A To the best of my knowledge it was in '67; I got acquainted with David Martin when I had been there a couple of years.

Q How old were you then? A I guess I was about 11 years old.

Q How old was David Martin then? A I don't know.

Q Was he a man? A Yes sir he was a man grown when he came there.

Q You are not sure as to the year you met him in? A I can't positively swear as to the year, I know he came there about a year and a half or two years after I came.

Q That is as long as you can remember after that length of time? A Yes sir.

Q You say he was there part of the time and the other part of the time you missed him? A Yes sir, probably I would see David Martin every couple of months or so.

Q You didn't see his family? A Yes sir.

Q Where? A In Ottawa there, I knew one of his daughters, the oldest one.

This will be filed in the original case and also in C. P. D. 485 and the sub-references thereto.

Chas. von Weise, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this the 28th of October, 1901.

*C. A. Brinkman*  
Commissioner.

F.P.T.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of David Martin et al.,  
for enrollment as Cherokee Freedmen, consolidating the applications  
of

|                         |                         |
|-------------------------|-------------------------|
| David Martin et al      | Cherokee Freedmen D 486 |
| Mary A. Leek            | Cherokee Freedmen D 486 |
| Josie Looney et al      | Cherokee Freedmen D 487 |
| Eliza Manuel            | Cherokee Freedmen D 488 |
| William H. Martin et al | Cherokee Freedmen D 489 |
| Fred Peterson et al     | Cherokee Freedmen D 490 |
| Lourena Rowe et al      | Cherokee Freedmen D 491 |
| Charity Taylor          | Cherokee Freedmen D 491 |

D E C I S I O N.

The record herein shows that applications for enrollment, as Cherokee Freedmen, were made to this Commission by David Martin for himself; by Mary A. Leek for herself; by Josie Looney for herself and her minor children, Clarence, Ceral, William, Julia, Georgia P. and Wayne Looney; that subsequent to the date of her original application a birth affidavit, which is made a part of the record herein, was filed with this Commission showing the birth of her child, Jettie Looney, on August 23, 1902; by Eliza Manuel for herself; by William H. Martin for himself and his minor children, Captola, Amanda and Charles A. Martin; that subsequent to the date of his original application a birth affidavit, which is made a part of the record herein, was filed with this Commission showing the birth of his child, Bunk Rescoe Martin, on November 16, 1901; by Fred Peterson for himself and his minor child, Mary T. Peterson; by Perry Rowe for his wife, Lourena Rowe, and his minor children, Inola and Aleck Rowe; that subsequent to the date of his original application a birth affidavit, which is made a part of the record herein, was filed with this Commission showing the birth of his child, Elizabeth Rowe, on April 10, 1902; and by Charity Taylor for herself. The applications of the said David Martin, William H. Martin and Fred Peterson also included their wives, Jane Martin, Carrie Martin and Lena Peterson, respectively, who claim right to enrollment as Cherokee Freedmen by intermarriage, but as the status of such claimants by intermarriage is not fixed at this time, the said Jane Martin, Carrie Martin, and Lena Peterson are not embraced in this decision. The testimony taken in the case of Thomas Archer Cherokee Freedmen D 901, is filed with and made a part of the record herein.

The evidence shows that the said David Martin was the slave of a Cherokee citizen at the commencement of the rebellion; that during said rebellion he left the Cherokee Nation and did not return and take up his residence therein until after February 11, 1867. All the other applicants herein were born since the commencement of the rebellion and are descendants of, and claim right to enrollment through, the said David Martin.

--2--

None of the names of the applicants herein are found on the 1880 authenticated roll of the Cherokee Nation.

It, is therefore, the opinion of this Commission that the applications for the enrollment of David Martin, Mary A. Leek, Jennie Leoney, Clarence Leoney, Coral Leoney, William Leoney, Julia Leoney, Georgia F. Leoney, Wayne Leoney, Fattie Leoney, Eliza Manuel, William E. Martin, Captela Martin, Amanda Martin, Charles A. Martin, Dunk Roscoe Martin, Fred Peterson, Mary T. Peterson, Lourena Rowe, Fannie Rowe, Aleck Rowe, Elizabeth Rowe and Charity Taylor, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1896 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Signed-- Tams Birby.

Chairman.

• T. B. Needles.

Commissioner.

• C.R. Breckinridge.

Commissioner.

• W. E. Stanley.

Commissioner.

Dated at Muskogee, Indian Territory,

this March 5, 1904.

(COPY)

Refer in reply to the following

CY L  
NM

Land  
19025-1891, DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS  
WASHINGTON, July 11, 1891.

David Martin, Esq.,

Goffeville,

Kansas.

Sir:

Referring to the evidence, filed with Agent Bennett and by him referred with favorable report on the 28th of May last, respecting your claim and that of your family to enrollment as beneficiaries under the 9th Article of the Cherokee treaty of 1866, and to participate in the distribution of the \$75,000 fund appropriated by Congress &c., you are informed that a supplemental schedule of Cherokee freedmen was approved by Acting Secretary Chandler, July 7, 1891. Said schedule contains the following, with other names, viz:-

|                         |          |
|-------------------------|----------|
| 3264, Martin, Mary Ann  | 27 years |
| 3265, Peterson, Louisa, | 13 "     |
| 3266, " Charity,        | 10 "     |
| 3267, Martin, David,    | 54 "     |
| 3268, " Wm. H.,         | 18 "     |
| 3269 " Eliza,           | 29 "     |

and has been forwarded to Agent Bennett, with instructions to make payment to persons whose names appear thereon,

Very respectfully

(Signed)

T. J. Morgan  
Commissioner

R.F.T.  
L.

INCLOSURES.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED  
JUN 24 1891

Thos Birby

Acting Chairman.

Lucy M. Bowman, under oath states that the above and foregoing copy which she made is a full true and correct copy of a document on file with the Commission to the Five Civilized Tribes.

Subscribed and sworn to before me this  
5th day of September, 1891



( COPY )

Freed. D 280

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Washoe, I.T., May 31, 1902.

In the matter of the application of PERKY ADAMS for  
enrollment as a Cherokee Freedman.

Applicant appears by Mellette A. Smith;  
Cherokee Nation, by W. W. Hastings.

By Mr. Smith:

The applicant moves the Commission to make the certified  
copy of the decree of the Court of Claims in the case of  
Moses Whitacre, Trustee for the Freedmen, vs. The Cherokee Nation,  
No. 17208 filed in the Mariah Hayden case F.D. 498, a part of the  
record in this case and the cases hereinafter mentioned by refer-  
ence to the said case of the said Mariah Hayden, and if it be deemed  
necessary that a copy of the said decree be filed in this case and  
in the following cases, to-wit:

David Martin, D 486;  
Vinnie Martin, "

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the intro-  
duction of the decree, because, First: It does not tend to show  
that the applicant was a slave of the Cherokee Nation at the  
beginning of the war, nor that he returned within the time specified

in the treaty of 1866, or that he had been a continuous resident  
of the Cherokee Nation since that time, or that he is a descendant  
of such a person. Second: Because the same is incompetent, irrele-  
vant and immaterial, and does not tend to prove an issue in this  
case. Third: Because the Commission will take judicial knowledge  
of all laws, treaties and decrees necessary for the determination  
of the right of any person who makes application for citizenship.  
Fourth: The Cherokee Nation objects to the filing of a certified  
copy of this decree in the case of an applicant unless the same is  
called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be en-  
tertained and the decree of the Court of Claims filed in the case  
of Mariah Hayden will be made a part of the record by reference in  
all the cases above named with the exception of those which came  
within the provisions of the temporary injunction recently granted  
by Judge Sill of the United States Court, of the Northern District  
Indian Territory.

MR. Smith:

The applicant farther moves that as to the above named  
cases including the Mariah Hayden case that counsel for the appli-  
cant be allowed within thirty days to file any of the proof of any  
or all of the record other than the decree already referred to



In the case of Moses Whitmire, trustee, vs. Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

**W.W.Hastings:**

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

**The Commission:**

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of the attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

-0-0-0-0-000-0-0-0-00-0

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P.O. Reuter,

(SEAL)

Notary Public

-----  
I, E. G. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing

is a true and perfect copy of the original testimony in the above  
entitled cause as filed with the Commission, which copy was made  
by me.

(Signed) E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

(SEAL)

(Signed) P. S. Reuter,  
Notary Public

INCLOSURES.

F D 486.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
FILED.

Aug. 1 1902.

Tom Bixby

Acting Chairman.

-----  
Lucy M. Bowman, being under oath, states that as stenographer to  
the Commission to the Five Civilized Tribes, she made the above  
and foregoing copy, and that the same is a full true and correct  
copy of a document on file with the Commission.

Subscribed and sworn to before me this 8th day of September, 1904

*W. M. Martin Jr.*  
Notary Public.

# **NOTICE.**

## **Cherokee - Freedmen - Enrollment.**

The Commission to the Five Civilized Tribes will continue in session at

### **MUSKOGEE, IND. TER.,**

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. William H. Martin,

Coffeyville, Kan /

Cherokee F-D-489

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Cherokee Freedmen  
D-489.

Muskogee, Indian Territory, March 25, 1904.

William H. Martin,  
Coffeyville, Kansas.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself and your minor children, Captola, Amanda, Charles A. and Bunk Roscoe Martin, as Cherokee freedmen, together with a copy of the Commission's decision, dated March 8, 1904, rejecting, among others, your said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Register

Enc. D-90

Commissioner in Charge.

Cherokee Freedmen  
D-488 et al.

Muskogee, Indian Territory, March 23, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of David Martin, et al., including the Commission's decision, dated March 2, 1904, rejecting the applications for the enrollment of David Martin, Mary A. Leek, Josie, Clarence, Coral, William, Julia, Georgia F., Wayne and Jettie Leoney, Eliza Manuel, William H., Captela, Amanda, Charles A., and Hank Rescoe Martin, Fred and Mary T. Peterson, Lourena, Inola, Aleck and Elisabeth Howe and Charity Taylor as Cherokee freedmen.

Respectfully,

Through the  
Commissioner of Indian Affairs.

*W. H. H. H.*  
Commissioner in Charge.

Enc. D-88.



Cherokee Freedmen  
D-486 et al.

Muskogee, Indian Territory, March 26, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, in the consolidated case of David Martin et al., rejecting the applications for the enrollment of David Martin, Mary A. Leek, Jessie, Clarence, Coral, William, Julia, Georgia F., Wayne and Jettie Looney, Eliza Manuel, William H., Captola, Amanda, Charles A. and Bunk Roscoe Martin, Fred and Mary T. Petersen, Laurena, Inola, Aleck and Elizabeth Rowe and Charity Taylor as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Enc. D-94.

Commissioner in Charge.

Refer in reply to the following:  
Land. 21067-1904.

DEPARTMENT OF THE INTERIOR,

o OFFICE OF INDIAN AFFAIRS,

WASHINGTON, August 13, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized tribes, dated March 25, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen, by David Martin for himself; by Mary A. Leek for herself; by Josie Looney for herself and her minor children, Clarence, Coral, William, Julia, Georgia F., Jettie and Wayne Looney; by Eliza Manuel for for herself; by William H. Martin for himself and his minor children, Captola, Amanda, Charles A. and Bunk Roscoe Martin; by Fred Peterson for himself and his minor child, Mary T. Peterson; by Perry Rowe for his wife, Laurena Rowe, and his minor children, Inola, Aleck and Elizabeth Rowe.

March 5, 1904, the Commission decided adversely to the applicants.

The record shows that the principal applicant, David Martin, was the slave of a Cherokee citizen, and escaped from his master prior to the war and did not return to the Cherokee Nation prior to February 11, 1867.

The other applicants' sole title to enrollment is based on that of David Martin.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

W. A. Jones,

Commissioner.

M.M.M.  
V.

Y.P.  
FHE

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

I.T.D. 6494-1904.

D.C. 30568-1904.

Commission to the Five Civilized Tribes.

Muskogee, Indian Territory.

Gentlemen:

March 25, 1904, you transmitted the record in the consolidated Cherokee freedman case of David Martin, et al (D-486), including your decision dated March 5, 1904, rejecting the applicants

Reporting in the matter August 13, 1904, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Theo. Ryan,

Acting Secretary.

1 inclosure.

Y. T.

YHE

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

I.T.D. 6494-1904.  
D. C. 30545-1904.

August 18, 1904.

Commission to the Five Civilized Tribes,  
Washknee, Indian Territory.

Gentlemen:

March 25, 1904, you transmitted the record in the consolidated Cherokee freedman case of David Martin, et al (D-464), including your decision dated March 5, 1904, rejecting the applicants.

Reporting in the matter August 13, 1904, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Theo Ryan,

Acting Secretary.

1 inclosure.



COPY

Cherokee Freedmen

D-489.

Muskogee, Indian Territory, September 1, 1904.

William H. Martin,

Goffeyville, Kansas.

Dear Sir:

You are hereby advised that the Commission's decision, dated March 5, 1904, rejecting, among others, your application for the enrollment of yourself and your four minor children, Captola, Amanda, Charles A. and Funk Roscoe Martin, as Cherokee freedmen was affirmed by the Secretary of the Interior on August 18, 1904.

Respectfully,

(SIGNED) *Tams Bixby.*  
Chairman,

COPY

Cherokee Freedmen  
B-422-423-421-420-  
427-427-425-426.

Hastings, Indian Territory, September 1, 1904.

Hastings, Bell & Havensport,  
Attorneys for the Cherokee Nation,  
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision, dated March 5, 1904, rejecting the applications for the enrollment of David Martin; Mary A. Leck; Josie, Clarence, Coral, William, Julia, Georgia E., Wayne and Fattie Leoney; Eliza Emanuel; Fred and Mary T. Peterson; Charity Taylor; William N.; Captola, Amanda, Charlot A. and Bunk Moses Martin; Laurena, Inola, Aleck and Elizabeth Rowe as Cherokee Freedmen, was affirmed by the Secretary of the Interior on August 12, 1904.

Respectfully,

(SIGNED) *James Bixby*  
Special Agent.

-COPY-

V.C.P.  
T. P.  
LLB

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

D. N. 45690-1905,  
I. T. R. 6494-1904,  
801-1905.

LRG

September 13, 1905.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

The Department has considered a motion to reopen the Cherokee freedman case of David Martin et al, in which case the Department on August 18, 1904, affirmed the decision of the Commission to the Five Civilized Tribes, rejecting the applicants.

The motion for review is filed by the attorneys for the applicants, and is based on the ground that the former decisions are contrary to the law governing such cases and is not warranted by the facts as shown by the record. With said motion is filed the affidavits of Daniel Tucker and Fred Martin.

Considered in connection with the record the motion and affidavits submitted are not sufficient to justify the Department in reopening the case. The motion is therefore denied, and you will so notify the proper parties.

The motion is inclosed herewith.

Respectfully,

(Signed) Theo Ryan  
Acting Secretary.

1 inclosure.

Cherokee Freedmen

N-445, et al.

Muskogee, Indian Territory, September 22, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that this office is in receipt of Departmental letter of September 13, 1905, denying the motion of Blue & Bulger to have reopened the Cherokee Freedmen enrollment case of David Martin, et al., (C.F.N-445-4-6-7-8-9-50-61).

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

LS

Acting Commissioner.

Incl. 5-28

Cherokee Freedmen

N-445, et al.

Muskogee, Indian Territory, September 22, 1906.

Blus & Bulger,

Attorneys for David Martin, et al.,

Vinita, Indian Territory,

Gentlemen:

You are hereby advised that this office is in receipt of Departmental letter of September 13, denying your action to have reopened the Cherokee Freedmen enrollment case of David Martin, et al.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

18

Acting Commissioner.

Incl. S-24



Cherokee Freedmen

R-448.

Muskogee, Indian Territory, September 22, 1905.

William H. Martin,

Coffeyville, Kansas.

Dear Sir:

You are hereby advised that this office is in receipt of Departmental letter of September 13, 1905, in which the motion, filed on your behalf, to have reopened the Cherokee freedmen enrollment case of yourself, et al., is denied.

Respectfully,

LS

Acting Commissioner.

D. C. 52011-1905.

( C O P Y )

J.W.H.  
FHE

I.T.D. 14844-1905

L R S

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

November 15, 1905.

Commissioner to the Five Civilized Tribes  
Muskogee, Indian Territory.

Sir:

You are advised that a motion to reopen the Cherokee freedman enrollment case of David Martin, et al., has been filed in the Department.

See departmental letter of September 13, 1905, to you.

Respectfully,

(Signed)

THOS RYAN

First Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

-COPY-

J.V.H.  
JHE

D. C. 62744-1905.  
I.T.D. 14844-1905.  
LRS

DEPARTMENT OF THE INTERIOR,  
WASHINGTON, November 18, 1905.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

The Department is in receipt of a letter dated October 30, 1905, addressed to the Attorney General of the United States, from William H. Martin, of Vann, Indian Territory. This letter is in the nature of a motion for rehearing in the matter of the Cherokee freedman case of David Martin, et al., to which the said William H. Martin is a party applicant.

Neither this motion nor the affidavits filed in support of it bear evidence of service upon the attorney for the Cherokee Nation. Accordingly, <sup>the</sup> all papers filed with Mr. Martin's letter are inclosed herewith to be returned to him.

He asks to be advised what further steps should be taken to secure his enrollment. From the records of the Department it appears that a decision adverse to the applicants in the case of David Martin, et al., was rendered by the Department August 18, 1904. A motion to reopen this case was denied by the Department September 13, 1905. The Department finds that the motion now under consideration does not warrant a reopening of the case;

said motion is accordingly denied.

In advising Mr. Martin hereof it is requested that you explain to him carefully the requirements with which he must comply if he submits a motion for rehearing in his case or for review of the Department's action therein.

Reference is here made to departmental letter of November 15, 1905, relating to this case.

Respectfully,

(Signed) Thos Ryan

First Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

3 inclosures.

Cherokee Freedmen

No. 448.

Muskogee, Indian Territory, December 1, 1905.

William H. Martin,

Vann, Indian Territory.

Dear Sir:

In connection with the Cherokee Freedmen enrollment case of yourself, et al., you are advised that this office is in receipt of Departmental letter of November 18, referring to a communication from you, dated October 20, 1905, addressed to the Attorney General of the United States, in the nature of a motion for rehearing in the matter of the Cherokee Freedmen case of David Martin, et al., to which you are a party applicant. You are advised that the motion is denied by the Department for the reason that neither it nor the affidavits filed in support of it bear evidence of service upon the attorneys for the Cherokee Nation, and for the further reason that the Department finds that the motion does not warrant a reopening of the case.

You are further advised that it has been the practice of the Department to only grant motions for review, or for reopening of Cherokee enrollment cases, where it is shown that the decision was contrary to the law and evidence, or where new evidence has been discovered that is material to the case and would probably change the status of the applications for enrollment.



If you can point out wherein the decision of the Department in rejecting your application for the enrollment of yourself, et al., as Cherokee freedom is erroneous, you may file a motion for review of Departmental decision referred to, and the same will receive due consideration. If you are in possession of newly discovered evidence that is material to your case, you may advise this office of the same, stating in detail all the facts you can establish in the event of a reopening of your case and have your motion supported by affidavits of the witnesses whose testimony you desire to introduce, indicating therein fully the facts to which they will testify, evidence of service on the attorneys for the Cherokee nation of copies of all papers filed to be furnished, and the same will be forwarded, with recommendation, for the consideration of the Secretary of the Interior.

The motion filed by you with papers attached are returned herewith.

Respectfully,

Incl. 3-8

Acting Commissioner.

( C O P Y )

Land  
6138-1906.

DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS  
WASHINGTON.

February 12, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

On January 5, 1906, the Department referred to the Commissioner to the Five Civilized Tribes, for report and recommendation, a communication from Josie Looney, dated December 27, 1905 asking that the Department order her enrollment and that of her children.

I now have the honor to enclose a communication from the Commissioner to the Five Civilized Tribes, dated January 17, 1906, in which he says that Mrs. Looney evidently refers to Cherokee freedman enrollment case of herself and children; that on March 5, 1904, the Commission to the Five Civilized Tribes rejected the application of Josie Looney for the enrollment of herself and her children, Clarence, Ceral, William, Julia, Georgia F., Wayne, and Jettie Looney as Cherokee freedmen, which decision was affirmed by the Department on August 18, 1904, I.T.D. 6494; that on September 13, 1905, I. T. D. 881, and on November 18, 1905, I.T.D. 14844, the Department informed him that motions for a reopening of the case had been denied. He says the style

of the case is David Martin et al., Cherokee freedman D-486, and that there appears to be nothing contained in the letter of Josie Looney which was not considered in connection with her application for enrollment.

It is recommended that Mrs. Looney be advised in accordance with what is said in the Commissioner's report, which is borne out by the records of this office.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

GAW-GH

D.G.20246

J.W.H.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

FHB

I.T.D.6494-1904.  
8533-1905  
8723- "  
2552-1906.

IRS.

May 19, 1906.

The Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

Referring to your report of January 17, 1906, there are inclosed herewith two motions for reconsideration of the Cherokee freedman case of David Martin, et al. These motions were filed with the Department September 7, 1905; the first (I.T.D. 8533-05) relates to all of the applicants in the case; the second (I.T.D. 8723-05) relates particularly to the case of Josie Looney, et al, which was consolidated with the said case of David Martin et al. Although a motion for a rehearing was denied November 18, 1905, in the Martin case, it does not appear that action has ever been taken on the inclosed motions. They are accordingly transmitted to your office in order that record therein of their filing may be made, to be returned thereafter with your recommendation. See enrollment sections of act of April 26, 1906 (Public No. 129).

A copy of Indian Office letter of February 12, 1906 (Land 6138-06, is inclosed.

Respectfully,

Jesse H. Wilson,

Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

3 inclosures.

Muskogee, Indian Territory, August 4, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

This office is in receipt of Departmental letter of May 19, 1906 (I.T.D. 6494-1904, 8533, 8723-1905, 2552-1906), enclosing two motions for reconsideration of the Cherokee Freedmen consolidated case of David Martin et al. You state that said motions were filed with the Department September 7, 1905; that the first (I.T.D. 8533-1906), relates to all of the applicants in the case; that the second (I.T.D. 8723-1906), relates particularly to the case of Jessie Leoney et al., which was consolidated with the case of David Martin et al., and that although a motion for a rehearing in the Martin case was denied November 16, 1905, it does not appear that action has ever been taken on the enclosed motions. They are transmitted to this office in order that proper record of their filing may be made, to be returned with this office's recommendation.

These motions for review are two of the 311 motions filed with the Department September 7, 1905, the filing of which this office was advised January 15, 1906 (I.T.D. 8297, 8337 to 8957 inclusive--odd numbers -- 1906, 460-1906).



Secretary-2.

All of the applicants included in these motions for review except Fred Martin and Eliza Looney, are embraced in the decision of the Commission to the Five Civilized Tribes dated March 5, 1904, in the Cherokee freedmen consolidated case of David Martin et al, D 486, et al. (now R 445 et al.), which decision was on August 18, 1904 (I.T.D. 6494-1904), affirmed by the Department.

In view of the provisions of the Act of Congress approved April 26, 1906 (Public No. 129) relative to the return to the Cherokee Nation of Cherokee freedmen, it is respectfully recommended that the motions so far as they relate to the applicants in the Martin case, be denied.

The Department, on September 13, 1906 (I.T.D. 881-1906) and November 18, 1906 (I.T.D. 14844-1906), denied motions for the reopening of this case.

The records of this office further show that the decision of the Commission to the Five Civilized Tribes dated March 5, 1904, rejecting, among others, the application for the enrollment of Eliza Looney D 537- R 688, which application was embraced in the Cherokee freedmen consolidated case of Beau Fox et al., D 508 et al., was affirmed by the Department on August 31, 1904 (I.T.D. 6756-1904). For the reasons above stated it is also recommended that said motions, so far as they relate to the case of Eliza Looney, be denied.

Secretary-3

The decision of the Commission to the Five Civilized Tribes rendered May 13, 1905, rejecting the applicants in the Cherokee freedmen consolidated case of Louis Martin et al., D 289 et al., which case included the application of Fred Martin, was on May 13, 1905, forwarded to the Department, where it is now pending. No reason appears for the granting of said motions so far as they relate to the case of Fred Martin, and it is respectfully recommended that the same be denied.

Reference is made to two Departmental letters of May 2, 1906 (I.T.D. no number, I.T.D. 6347 .... 6705-1905), relating to the 311 motions for review herein referred to. Proper notations of the filing of these motions have been made upon the records of this office, and the same are returned herewith.

Respectfully,

Commissioner.

Through the Commissioner  
of Indian Affairs.

L M B  
Encl. B-30

(C O P Y)

DEPARTMENT OF THE INTERIOR, U.S. G. R.  
WASHINGTON.

L.R.S.

I.T.D. 6494-1904.

November 3, 1906.

881-1905.

8533- "

8723- "

7757-1906.

12563- "

12623- "

15390- "

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:-

The Department has carefully considered, in connection with the record, motions for reopening the consolidated Cherokee freedman case of David Martin et al., filed September 7, 1905 (I.T.D. 8533, 8723), and June 23, 1906 (I.T.D. 7757), on behalf of Josie Leoney et al.

The principal applicant, David Martin, a former slave of a Cherokee citizen, from whom he escaped and scouted in the woods of the Indian Territory until the outbreak of the civil war, when he joined the army and afterwards became a resident of the State of Kansas, is not shown to have actually returned and established a personal bona fide residence in the Cherokee Nation on or before February 11, 1867, as required by section 3 of the act of Congress approved April 26, 1906. (34 Stat., 137).

The Department sees no reason to disturb its decision of August 18, 1904 (I.T.D. 6494), denying the application for the enrollment of any applicant claiming through the said David Martin, as do the moving parties herein. The Department still adheres to its decision of August 18, 1904, adverse to such applicants, and said motion for a reopening and reconsideration is hereby denied.

You will advise moving parties and their attorneys of this action.

The record has this day been returned for the files of the Indian Office.

Respectfully,

(Signed) E. A. Hitchcock,

Secretary.

Through the Commissioner  
of Indian Affairs.

2 inclosures.

Cherokee Freed.  
R-448.

Muskogee, Indian Territory, November 14, 1906.

William H. Martin,  
Wann, Indian Territory.

Dear Sir:-

You are hereby advised that motions for rehearing of your Cherokee freedman case, filed by your attorneys September 7, 1906, were denied by the Department November 3, 1906.

Respectfully,

Commissioner.



Cherokee Freed.  
R-440, et al.

Muskogee, Indian Territory, November 14, 1906.

Wine & Bulger,

Attorneys for David Martin and others.

Baxter Springs, Kansas.

Gentlemen:-

You are hereby advised that your motions filed September 7, 1905, and June 24, 1906, for a rehearing in the Cherokee freedmen cases of David Martin, et al. and Jessie Leoney, et al., were denied by the Department November 3, 1906.

For your information there is enclosed a copy of the Department's decision.

Respectfully,

Commissioner.

Inc.-2-14-LGG.

Cherokee Freed.  
B-405, et al.

Waskagee, Indian Territory, November 15, 1906.

W. V. Hastings,  
Attorney for Cherokee Nation,  
Waskagee, Indian Territory.

Dear Sir:-

There is enclosed a copy of the Department's decision of November 3, 1906, denying the motions filed September 7, 1906, and June 23, 1906, for a rehearing in the Cherokee freedmen cases of Davis Martin and others and Jessie Looney and others.

Respectfully,

Commissioner.

Ino.-1-15-L93.

Cher Fr R 449

see Cher Fr R 444 and D 490

Cher Fr R 449

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Chelsea, I. T., June 3rd, 1901.

In the matter of the application of Fred Peterson for the enrollment of himself and one child as Cherokee Freedmen; being sworn and examined by Commissioner Breekinridge- Needles, he testified as follows:

- Q What is your name? A Fred Peterson.  
Q How old are you? A I don't know.  
Q About how old? A I couldn't say, I don't know.  
Q You are not a hundred are you? A No sir.  
(Applicant's mother says he is 17)  
Q You aint married are you Fred? A Yes sir.  
Q Who do you want to enroll besides yourself? A I have one baby.  
Q What is its name? A Mary Talala Peterson.  
Q About how old is it? A Close to about 10 months old I think.  
Q What is your wife's name? A Lena Peterson now at the present time; she was McLain.  
Q Is she a citizen? A I don't know; I think she is.  
Q Do you apply for her? A I reckon so.  
Q Have you got any proof as to her citizenship here? A No sir.  
Q When were you married to Lena? A I was married to her---  
Q Have you got a license? A I have got a license, but I haven't got them here with me.  
Q Certificate of marriage on the license, is there? A Yes sir.  
Q You want to send that to us: What was your father's name? A Sam Peterson.  
Q What is your mother's name? A Mary Ann Leek now at the present time.  
Q Did you draw what is known as the Kern-Clifton money, Strip money?  
A I think I did.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not identified thereon.

1896 census roll of citizens of the Cherokee Nation examined and applicant not identified thereon.

Kerns-Clifton pay roll of citizens of the Cherokee Nation and applicant identified thereon as follows:  
page 170 #4194 Fred Martin, Cooweescoowee District.

Wallace roll of citizens of the Cherokee Nation examined and applicant not identified thereon.

- Q Where were you born? A In Cooweescoowee District I reckon.  
Q Lived there all your life? A Yes sir.

Com'r Needles: Fred Peterson applies for the enrollment of himself; he is duly identified upon the Kerns-Clifton roll; he avers that he was married to one Lena McLain, whose citizenship at this time is not to be proven. He avers that he has one child, 10 months of age; he makes no satisfactory proof of marriage; he avers that he is a child of Mary Ann Leek, who was listed for enrollment, on D card 485 and the testimony taken in D 485 will be made part of the testimony in the case of the applicant and a copy of same will be filed; he makes satisfactory proof as to residence, consequently Fred Peterson and his child Mary T. Will be listed for enrollment as Cherokee Freedmen upon a doubtful card; it will be necessary for him to file with this Commission his marriage license and certificate of marriage, together with proof of birth of the child, Mary T. he will

Fred Petersen et al 2.

be duly notified by mail of the decision of the Commission when arrived at.

---00000---

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) M. D. Green.

Subscribed and sworn to before me this June 5, 1901.

(Signed) T. B. Needles.

Commissioner.

Louise Smith, Being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she has made the foregoing copy and that same is a true and complete copy of the original transcript.

*Louise Smith*

Subscribed and sworn to before me this September 8, 1904.

*J. Blumhardt*

Notary Public.



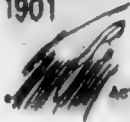
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F.D. 490

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**

JUN 3 1901



ACTING CHAIRMAN

## MEMORANDUM OF APPLICATION

## CHEROKEE FREEDMEN

JUN 3 1901

Date

Post Office

District

1. Name

Owner's name

Year

Page 170

No. 4194

District

Parents:

Father

Mother

Citizenship

Citizenship

2. Name of wife

Owner's name

Year

Page

Parents:

Father

Mother

Citizenship

Citizenship

Names of Children:

3.

Year

Page

No.

Dist.

4.

Year

Page

No.

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5.

Year

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12.

Year

Page

No.

Dist.

Application made by

Stenographer

M. D. Green

No. 1 on H. 20 with as Fred Martin  
 No. 1 on H. 20 with as Fred Martin

No. 1 on H. 20 with as Fred Martin  
 No. 1 on H. 20 with as Fred Martin

No. 1 on H. 20 with as Fred Martin  
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FILED  
COMMISSION TO THE LINE CLAIMS  
DEPARTMENT OF THE INTERIOR

What county did you get it in? What town? A Ottawa.  
Mr. Bell: What year was that in? A I can't tell you nothing about that.

Commissioner: Mary Ann Leak applies for the enrollment of herself. She is not identified upon the authenticated roll of 1860, but is identified upon the Kern-Clifton and Wallace rolls, as Mary Ann Martin, that having been her maiden name. She avers that she is the child of David Martin. She will be listed for enrollment as a Charlene Freeman on a claimant card, and will be notified of the decision of the Commission, when arrived at, by mail.

Prace E. Jones, being duly sworn, says that as stenographer to the Commission he has correctly transcribed the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Prace E. Jones

Sworn to and subscribed before me this the 9th of August, 1901.

File with Fred Peterson C.F. D-490

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Cherokee, I.T., June 2, 1901.

In the matter of the application of Mary Ann Leak for enrollment as a Cherokee Freedman.

Mary Ann Leak, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A My name is Mary Ann Leak now.  
Q How old are you? A I am 37 years old.  
Q What is your postoffice address? A Nowata.  
Q What district do you live in? A Well, I don't know.  
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.  
Q Who do you want to enroll besides yourself? A I have three children.  
Q Under age? A No, sir.  
Q They are all married? A Yes, sir.  
Q Are you married yourself? A Yes, sir.  
Q Is your husband a citizen? A Yes, sir.  
Q Has he been enrolled? A No, sir.  
Q Why isn't he here to enroll with you? Is he here? A Yes, sir, he is here.  
Q Do you want to enroll him? A No, sir, he will enroll himself I suppose.  
Q Is your name on the roll of 1880? A No, sir, I guess not.  
Q Is your name on any of the Cherokee rolls? A Yes, sir, it is on the Wallace.  
Q Did you draw what is known as the Kern-Clifton money? A Yes, sir.  
Q Did you draw your Kern-Clifton money under the name of Leak? A No, sir, I wasn't married to him then, I drew under the name of Martin.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.

The 1898 census roll of Cherokee Freedmen examined and the applicant not identified thereon.

The Kern-Clifton roll examined and the applicant identified thereon page 170, No. 4195, Ooweescoowee district, as Mary Martin.

The Wallace roll examined and the applicant identified thereon, page 175, No. 3264, Ooweescoowee district, as Mary Ann Martin.

- Q What is your father's name? A David Martin.  
Q Is he living? A Yes, sir.  
Q What is your mother's name? A Jane Martin.  
Q Is she living? A Yes, sir.  
Q Where were you born? A I can't tell you, you will have to see my father about that, I can't tell you anything about that, I don't know.  
Q Where were you raised? A In the Territory.  
Q In the Cherokee Nation? A Yes, sir.  
Q That the first place you can recollect? A Yes, sir.  
Q Well now, have you got any witnesses as to your citizenship? A My father.  
Q Is he a citizen? A Yes, sir.

DAVID MARTIN, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A David Martin.  
Q How old are you? A I am 64.

Q What is your postoffice? A Coffeyville.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir, I have been.

Q Is your name on the roll of 1880? A No, sir.

Q Do you know Mary Ann Leak? A Yes, sir.

Q What relation is she to you? A My daughter.

Q Is she a Cherokee citizen? A Yes, sir, she has been so recognized.

Q Does she get her citizenship through you? A Yes, sir.

Q Have you been enrolled yet? A No, sir, not this time.

Q What is your owner's name? A My true owner was named John Martin, but I lived with Joe Martin, his uncle, who was his guardian when his father died in an early day and his uncle was the guardian for him.

Q Was he a Cherokee citizen? A Yes, sir.

Q Were you taken out of the Cherokee Nation during the war?

A No, sir, I was in the woods scouting about the breaking out of the war; yes sir, I belonged to him up to the war.

Q Did you remain in the Cherokee Nation during the war? A No, sir, I remained until February, 1861, in the woods, and then I went to Iowa in '61 and stayed there till '65, I married there in '62, and then went in the army and stayed in the army until the fall of '66 and then was discharged and returned back home in October, '66.

Q Have you been living here ever since? A No, sir, I went back to Iowa for my family, I married there and left this girl and my wife there when I went in the army, and went back here and got them and brought them back through in the fall of '66, up in Kansas, and left them there, and I came here and kept my children there until about 26 years ago I guess, then I came back here and I moved my family down here.

Q Well, 26 years ago; you have been living here for the last 26 years? A Yes, sir, most of the time.

Q Where was Mary Leak born? A She was born in Iowa.

Q Where were you married? A Married in Iowa.

Q That was in what year? A In '61.

Q Then you came back yourself to the Cherokee Nation in '66?

A Came back from the army when I was discharged, came here and came on home.

Q You didn't bring your family until 26 years ago? A I brought my family to up to Kansas, up to Ottawa.

Q But you didn't move them back to the Cherokee Nation until 26 years ago? A No, sir, I didn't bring them all back till 26 years ago.

Q Then you didn't live here in the Cherokee Nation absolutely not until 26 years ago? A Yes, sir, pretty near all the time, I was here in '73 and '4 and '5.

Q Well, where was you from '66 until '73? A I was partly in the Nation, I was scouting judge, the truth of it, I was in the woods; that is the reason I didn't bring my family back, they were trying to kill me.

Q Did you occupy any property or get any land or make a home here?

A Yes, sir, I had a home, had hogs and cows here all the time.

Q From '66? A Yes, sir, with my sister, right of that man's (Mr. Bell) house, east of where he lived.

Q Have you any other grown children besides Mary Ann? A I have four children, three girls and one boy.

Q What are their names? A One is named Josie Leoney and the other is named Eliza and the other one is named Willie.

Q Are they here? A Yes, sir, all here.

Q Were they all born in Iowa? A No, sir, there was two born here and one in Kansas: two in Kansas and one here, and the grandchildren were all born here.



Q Are there any other facts in relation to your citizenship which you desire to state? A Nothing more than to prove I was here in '60, came through here in '66.

By W. W. Hastings, Cherokee Attorney: You were married in '61? A Yes sir.

Q In Iowa? A Yes, sir.

Q How come you to go to Iowa? A I got in trouble here at home.

Q How long before the war? A Got in trouble in the fall of '59 and winter of '60 and the winter of '61 I went in the woods.

Q The truth of the matter, you run away from here in '59?

A No, sir, I was here in '60.

Q Are you sometimes known as Wiley? A That is my name, sir.

Q You belonged to Dick Martin's father? A John Martin's father.

Q Well, what relation was he to A. L. Martin? A Well Dick Martin was R. B. Martin and when Gabe Martin went to California he made Dick the guardian of John.

A Did you belong to Dick Martin? A No, sir, John Martin.

Q Well, Joe Martin had charge of you? A Yes, sir, I was off an orphan child's property.

Q And you ran away in about the year 1863? A No, sir, I ran off the winter of '59 or '60.

Q Winter of '59? A Yes, sir, '58 and '60.

Q Where did you go? A Went in the woods, I was scouting.

Q You went to Iowa? A No, sir, I didn't go to Iowa.

Q You were married in '61? A Yes, sir, I left here '61 when they were trying to catch me.

Q How long had you been acquainted with your wife when you married her? A About four months.

Q What time of the year '61 did you marry her? A Married her July 14, 1861.

Q How long had you been in Iowa when you were married? A About four months, been there about two months before I got acquainted with her.

Q And you were in Iowa when the war came up? A No, I was here in the Nation when the war came up, up in the neutral lands scouting.

Q You were in Iowa four or five months before you married? A No, sir, I wasn't that long, because I married about four months after I got acquainted, and I went there in March in the city where she lived.

Q I March of '61? A Yes, sir.

Q Well, this applicant was born in Iowa? A Yes, sir, born in Iowa.

Q Who came back with you to the Cherokee Nation after the war?

A I came back myself, I tell you I come from the army, I come right through here from the army.

Q Where were you discharged? A Discharged at Shreveport, Louisiana, and mustered out at Baton Rouge, and then sent to New Orleans and paid off.

Q Where did you go from there? A Went home, come right up the Mississippi river until I got to a little town at the mouth of the Arkansas, and then I took the Arkansas and run up to Little Rock, and from Little Rock to Fort Smith, and from Fort Smith to Fort Gibson and there I took the military wagon and come from there home, went on from there to Kansas and when I come through here there wasn't anybody here.

Q Not anybody here? A Some few in Gibson.

Q Who did you see at Gibson? A Didn't know anybody but Irvin Vann and saw Jim Liberty after I got up on the prairie.

Q What prairie? A On the military road right along from Gibson to Fort Scott.

Q Did you know him before the war? A Yes sir.

Q Did you stop and have any talk with him? A I stopped and had a talk with him, and we camped by his house.

Q Where was Jim living? A Close to Miss Alberty's place.

Q When was that? A In '84.

Q What time in '84? A October, '84.

Q Then where did you go? A I went from there on to Leavenworth and from Leavenworth -

Q You went right on through this country to Leavenworth? A Yes, sir, and stopped a while, I stayed around there three or four days until I could get a government wagon for home.

Q You went to Fort Leavenworth then? A Yes, sir.

Q How long did you stay there? A I didn't stay there any longer than till I could get a steamer to go up the river.

Q To Iowa? A Yes, sir.

Q You found your family up there? A Yes, sir, found my wife and child.

Q Well, I believe you stated you brought them down to Kansas?

A Yes, sir.

Q How long did your wife live there in Kansas? A Well I don't know, she was there two years she was under the doctor, they couldn't move her any way, had to lift her around in quilts; kept her there under a doctor two years and maybe two and a half, until they could get her cured, had to send back to Ohio to get a doctor to cure her.

Q Well, where did you first permanently locate in the Cherokee Nation? A I permanently located first, I took my claim right side of my sister's on Grand River close to my old home.

Q Close to the mouth of Cabin Creek? A Yes, sir, above the mouth of Cabin Creek.

Q About how far? A About three miles, or four.

Q When did you take that claim? A I took that claim in '75.

Q Did you live on it then? A Yes, sir, I improved it, put up some logs and a foundation on it.

Q Bringing your family down then? A I went back and got them after I put the claim in.

Q Is that the first time you had ever come to Cabin Creek after the war? A No, sir, I traveled right through Cabin Creek as I was going home.

Q You testified five years ago that you came and located near the mouth of Cabin Creek in '66? A No I didn't.

Q You deny that now? A Why I sure deny it, I told you plain, you know I did.

Q Where did you have your cows? A Had them at Mister Betty's.

Q When did you put them down there? A Put them down there, I don't recollect.

Q In 1875? A No, I put them there before '75; I put them there in '72 or '71; I was down there all them years.

Q But your wife and your children, your family, was in Kansas?

A Yes, sir, I left them up in Kansas.

Q How far did you locate from where Mr. Bell lives? A About three miles I reckon, or four miles.

Q How old is your second child, the next one to this applicant?

A I don't know, she is five or six years younger than this one; six or seven; my wife was sick all the time until I -

Q Just the exact age? A I don't know just exactly the age.

Q How how old is the third child? A She is about 29 I guess.

Q She born in Kansas? A Yes, sir, born in Kansas.

Q Did you work for Frank Considine in the year 1866? A I and Buck Burrington and Ben Sanders, my brother Spence, come down in '66 in the winter, in January, '66, and chopped some wood for Lewis Bell, and I went back in March, '67; in '67 we come down, January, '67 is what I told you we did, we came down January, '67, and chopped wood for Lewis Bell and went back home where my family was in March, '67.

Q Mr. Bell lived there then? A Yes, sir, he was living there.

Q You are certain of that? A Yes, sir, I know it.

Q Well, he never came there till May, 1867? I am just telling you that. A Well he was living there in the Nation, I don't know whether he was living at his house or not.

JIM ALBERTY, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Jim Alberty.

Q How old are you? A 70 years old.

Q What is your position? A Farmer.

Q Do you know Mary Ann Bell the defendant here; used to be Mary Ann Martin, or Mary Ann Peterson? A I don't know her by that name.

Q Do you know Dave Martin? A Yes, sir.

Q How long have you known him? A Ever since we were both boys.

Q Was he a slave? A Yes, sir.

Q Who did he belong to? A Old Joe Martin.

Q Was he a Cherokee? A Yes, sir.

Q Well, when was the first time you saw Dave Martin after the war between the north and south? A At my house.

Q When? A In 1866.

Q What time in '66? A Well, I don't know for certain; it might not have been in the fall.

Q Was he married then? A Didn't have no woman there.

Q How long have you known him since that; have you known him since that? A Ever since that.

Q Has he lived in the Cherokee Nation continuously since that time?

A Everywhere I saw him it was in the Nation, never saw him out.

Mr. Hastings: Jim, you know he hasn't been living here? A I don't know anything about that, I tell you he came to my house in '66, he come to my house and I went with him to where an old white man sold whiskey and got me a lot of whiskey and come back; I don't know where he went from that.

Q You haven't seen him for a long time? A It might have been a year after that, before I saw him; I wasn't particular.

Q Where did the white man live that you got the whiskey from?

A Lived right there the other side of Russell Creek.

Q Went all the way up there? A Yes, sir; he said he was going for his family.

Q Was he on horse back too? A Yes, sir.

Q But he testified that he came in the government wagon? A Well he did after he got up there I guess; I don't know about that.

Q Well, at Fort Gibson? A I don't know; that is at home.

Q Where were you living? A You know where the old place that old Baugh came that you call the Nancy Markham place; I was living right there, it was my house.

Q Do you know the time of the year? A It was in the fall as well as I recollect, fall or summer.

Q Was that the only time you saw him in '66? A I don't know but what it was.

Q Well, you have been thinking over the matter? A No, I have never thought over the matter.

Q You knew you were going to be a witness for him? A I guess I am now, when they called me; I don't have to hear what any man says when I come to tell what I know.

Q You testified for him five years ago? A Yes, sir.

Q You testified then you knew he was working for Frank Consine?

A No I didn't.



Q Do you deny that now? A Yes, sir, I was working for Frank Consine.

Q At the time you saw him? A Not exactly at the time but I had been working for Frank and Henry Rider was working for me on this place.

Q Do you know where Dave's family was when you saw him? A No, I didn't know anything about his family, I didn't know he had one at that time; Frank told me himself, I was at his house at that time.

Q How do you know? A I heard him.

Q You were sitting right there? A I was sitting where you had me.

Q When did you see his family first? A It was a year or more after I saw him here, that is at my house.

Q Do you think you saw his family here within a year? A Well, it might have been, of course I didn't keep any record of it, I never thought about him until I seen him.

Q I want you to say now how long after you saw him until you saw his family? A Maybe a year or more.

Q How much more? A I don't know.

Q You think it has been as much as six or eight years? A I can't say that because I don't know.

Q You applied for enrollment yourself at Vinita? A Yes, sir, I did.

Q You are the man that Mr. Lindsey testified was sold out of here before the war? A Yes, sir, he did, and didn't testify the truth either.

Q But you joined the army at Little Rock? A Yes, sir.

Q Mr. Lindsey said you were sold out down below Little Rock? A Old Lindsey don't know any more about me than a rabbit.

Q You have been pretty near all over the Cherokee Nation in '66?

A Yes, sir, I was pretty near all over it, every place I could get whiskey to sell I went there, that is how come I was all over it.

Q What year is this? A Well I can't tell you that.

Q You don't know one year from another, do you? A No, nobody has never told me what year this is.

Q Yet you remember what happened 35 years ago? A People that has sense, knows the dates, and told me of that.

Q But they never told you a year since that? A No, sir, never asked nothing about it, because I didn't care, never had a thought nothing about the dates or anything else since; it was told me and I was satisfied I was inside of the treaty and I noticed everybody else I seen was inside until that year was out, then I never kept no record since because I thought them come home after that was out, and I didn't pay no attention to them.

Q Where did you first see this family, at what point? A I can't tell you that, I don't know that.

Q You don't know then where you saw his family? A No, sir, I don't know, I don't recollect.

Q And you don't know how many years? A No sir, I don't.

Q Do you know when you first next saw Dave? A No, I don't know as I can place where I next saw him; the way I recollect him now I went with him.

MARY ANN LEAK, recalled, testified:

Commissioner: Have you any children? A Yes, sir.

Q How many? A Three.

Q They are all married, are they? A Yes, sir.

Mr. Hastings: Where were you married first? A I was married, I can't tell you the place, it was in the states though, the first time I married.

Q Iowa or Kansas? A It was in Kansas.

Q What was your first husband's name? A Peterson.

Q Were you living with your mother at the time you married?  
A Yes, sir.  
Q What was the date of your marriage? A I can't tell you about that.  
Q About how old were you? A I can't tell you that either.  
Q I mean when you married? A Well I don't know exactly myself, father can tell you.

DAVID MARTIN, recalled, testified:  
Mr. Hastings: About how old was your daughter when she married first? as much as 18 or 20? A She was 18 I think.

MARY ANN LEAK, recalled, testified:  
Mr. Hastings: Were you married but the one time? A I have been married the third time.  
Q What is your oldest child's name? A Lourena.  
Q Where was Lourena born? A She was born, I don't recollect that either now; you will have to ask father that question.  
Q You are the mother of that child? A Yes, sir, I am her mother, but I don't know what year she was born or where we were living at.  
Q Born in Kansas? A We were living in Kansas when she was born.  
Q What is your next child's name? A Charity.  
Q Was she born in the Territory? A Yes, sir.  
Q Where? A Up there away up above where we first lived, I don't know where at.  
Q That is when you first came into the Territory? A Yes, sir.  
Q How how old is the second child? A I don't know that either, I never kept no account of nothing of the dates, my father attended to that.  
Q Did you come in when your mother came? A Yes, sir, I came with my father and mother.  
Commissioner: What was your first husband's name? A Peterson.  
Q What was your second husband's name? A King.  
Q Is he living? A I don't know, sir, whether he is or not.  
Q Your first husband? A I don't know that either.  
Q Were you divorced from both of them? A Yes, sir.  
Mr. Hastings: Where were you married to King, your second husband? A Down here at Lightning Creek at Campbell's office.  
Q Where were you divorced from Peterson? A In the states.  
Q Kansas? A Yes, sir, where I married him.  
Q Who was the father of the second child? A Peterson; I have no children by any man except my first husband.  
Q Those three children must have been born in Kansas? A No, sir, wasn't all born in Kansas.  
Q You got a divorce from him in Kansas? A Yes, sir.  
Q Did you go back to Kansas after you came back here? A Yes, sir.  
Q How long had you lived here when you returned to Kansas? A When I went back, I didn't exactly know.  
Q A month? A I guess must be longer than that.  
Q Well, from your best judgment? A Well, I can't tell you, my father will have to tell you about that because me being quite young, I never paid no attention to nothing of that kind.  
Q You can state whether you stayed here longer than a month when you first came down here, before you went back? A Yes, sir, I guess something over a year before I went up.  
Q How long did you live in Kansas when you went back? A I wasn't living in Kansas, I just went there merely on a visit, and came back.  
Q You got a divorce up there? A Yes, sir, but I didn't have to stay there long to get it.



MAILED  
JUL 13 1901  
RECEIVED  
COMMISSION TO THE LIAISON OFFICE  
DEPARTMENT OF THE INTERIOR

Q What county did you get it in, what town? A Ottawa.  
Mr. Bell: What year was that in? A I can't tell you nothing about that.

Commissioner: Mary Ann Lock applied for the enrollment of herself. She is not identified upon the authenticated roll of 1880, but is identified upon the Horn-clifton and Wallace rolls, as Mary Ann Martin, which having been her maiden name. She avers that she is the widow of David Martin. She will be listed for enrollment as a Freedman on a doubtful card, and will be notified of the decision of the Commission, when advised of, by mail.

Ernest C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes, he has prepared the proceedings and testimony in the case of Mary Ann Martin, and that the foregoing is a true and complete transcript of his proceedings and testimony.

Ernest C. Jones

Sworn to and subscribed before me this the 24th of August, 1901.

Commissioner.

490  
No. D.

**INDIAN TERRITORY,  
CHEROKEE NATION.**

I hereby certify that I served the within notice on

by delivering a true copy thereof on the  
day of A. D. 1901

Given under my hand this  
day of A. D. 1901.

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the  
day of 1901.

Attorney for applicant.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
NORTHERN DISTRICT. } s. s.

I do solemnly swear that I delivered a true copy of the within notice to

on the day of A. D. 1901

Subscribed and sworn to before me  
this day of A. D. 1901.

Notary Public  
DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE CIVILIZED TRIBES

FILED  
OCT 2

# NOTICE!

IN THE MATTER OF the application of Fred Peterson  
for enrollment as a Cherokee citizen:

Case No. D 490

To Fred Peterson Newata I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory.  
Indian Territory, on Oct. 24 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 16 1901

L. B. Bell  
M. W. Hatcher  
Attorneys for the Cherokee Nation.

# AFFIDAVIT.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
NORTHERN DISTRICT.

In the matter of the application of Fred  
Peterson for enrollment as a Cherokee Freedman.

No. F. D. 470

Henry Pack, of lawful age, being duly sworn on  
oath states that on the 16th day of September, A. D., 1901, he registered  
to Fred Peterson whose postoffice is Newata

Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto  
attaches the receipt of the Postmaster at Ford Gibson Indian Territory;  
and that on the 30th day of September, 1901, he received the return  
card which is hereto attached, signed by the said Fred Peterson, showing  
that he had received said notice.

Subscribed and sworn to before me on this 30th day of Sept, A. D. 1901.

Henry Pack  
J. C. Starr  
Notary Public.

KILLICK

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12870  
it was in 1873, '74 or '76, and that their records would be in  
date. He said the records will show the date I arrived in  
I was afraid to bring my family from Kansas to the Nation  
what year in the '70s I don't know - I don't know if he  
the year.

(By the Commission.)

Do you know whether Dave Martin ever voted in Ottawa?  
to that I am sure; I was too young to mix in politics then, I  
was within the last fifteen years I could tell you.

From the time he arrived with his family in Ottawa until he  
went away some six years afterwards, did you know him at all?

A Steady and consistent residents of Ottawa? A Yes sir.

Was he living there as a man who came there from time to time  
as any other regular residents? A As a man who lived there  
usually.

Did you ever miss him for any length of time? A No sir.

(By Smith.) Did he have any children at that time? A I don't know whether he

had any children in the first place, he had one or two born there.

The children he had born there when he left there were small children  
were they not? A Yes sir, small children.

(Smith Ewing recalled and examined by the Commission.)

Do you know whether David Martin ever voted up in Ottawa? A No I  
don't know whether he did or not.

=====

This will be filed as supplemental testimony in the case of Wild  
C. E. D. 486, and also in C. E. D. 485.



File with case of Fred Peterson et al.  
C. F. No. 490

Department of the Interior  
Commission to the Five Civilized Tribes,  
Vinita, I. T. October, 24. 1901.

SUPPLEMENTAL TESTIMONY in the case of David Martin et al., C.F.D. 486.

W. W. Hastings, attorney for the Cherokee Nation.

Nellette & Smith attorneys for the applicants. (Applicant present)

SMITH EWING, being first duly sworn by Commissioner C. R. Breckinridge, testified as follows on the part of the Cherokee Nation:

- Q What is your name? A Smith Ewing.  
Q Have you any middle name? A No sir.  
Q How old are you? A Going on 31.  
Q What is your post office? A Ottawa.  
Q In Kansas? A Yes sir.  
( By W. W. Hastings )  
Q You live in Ottawa, Kansas? A Yes sir.  
Q How long have you been living at Ottawa? A I came there in 1867.  
Q Where did you come from? A I moved from Ohio City, a little place eight miles south of Ottawa.  
Q How long had you lived within eight miles south of Ottawa before 1867? A I came there in '65.  
Q Have you been living in Ottawa since 1867? A Yes sir.  
Q Do you know this colored man, David Martin that you see here? A I do.  
Q When did you first become acquainted with him? A '66, first time I ever recollect of ever seeing him.  
Q Where did you see him? A In Ottawa.  
Q Do you know his wife? A I do.  
Q What is her name? A Jane.  
Q When did you meet his wife to know her? A In 1867 after I got acquainted with brother Martin.  
Q Where did you get acquainted with his wife? A In Ottawa.  
Q Did they have any children? A They did.  
Q Name some of them if you remember? A Mary Ann.  
Q Recollect any of the rest of them? A I can't swear to what the children's names were only Mary Ann.  
Q Do you know whether Mary Ann was married? A Yes sir she was married.  
Q Who to? A Man named Peterson.  
Q Do you know where Martin's wife was in '66 when you knew him and before you knew her? A I don't.  
Q Did he or she ever tell you where she went? A Never did, neither one of them didn't tell me.  
Q You don't know where she came from when she came to Ottawa? A No sir I don't know personally from her.  
Q Or from him either? A No sir I don't think he or she either ever told me.  
Q Well, what was Dave Martin and his wife doing when you knew them in Ottawa? A I don't know.  
Q Were they living there? A Just living there as any other citizens I don't know as they had any particular trade.  
Q How long did you know them up there, living there in Ottawa? A I don't know come six or eight years; I don't know how long exactly, never kept no track of it.  
Q Some six or eight years? A Yes sir, that long or maybe longer; he was a member of our church and a prominent man there.  
Q What time in '66 do you think you saw him first? A First of August, I believe it was or September, I don't know which; we used to have a day we celebrated.  
Q It was then in the summer of '66? A Yes sir.



course I can.

Q Where did you see him? A Seed him in Ottawa.

Q But you don't know where he was all the time? A Just like I did other citizens, some days I seed him and some days I didn't.

Q How long did you continue to see him there? A Seed him frequently for 6, 7 or 8 years, I don't know exactly how long.

Q Where were you living in '66? A I was living down to Ohio City, south of Ottawa.

Q How far from Ottawa? A Eight miles.

Q You were not living in Ottawa then? A My home wasn't there I worked in Ottawa I was working a team there.

Q Did you team in Ottawa in '66? A Yes sir.

Q How much of the time? A I teamed there all fall and summer, that was my occupation.

Q But your home was in Ohio City? A Yes sir.

( By the Commission )

Q You say you got acquainted with Dave Martin's wife Jane along about '67? A Yes sir after I moved to town.

Q When did you move to Ottawa? A In '67.

Q And you have made it your home ever since? A Yes sir.

Q Now according to Dave Martin's account and according to your own account he took his family away from there about '74? A (No response.)

Q Were you acquainted with his family from '67 to '74, 6 or 8 years? A Yes sir.

Q What were you doing in Ottawa during that time? A I was living there and my occupation was quarrying and hauling stone.

Q Did you belong to the same church as Dave Martin? A I did.

Q You say he was a prominent, an in the church there? A Yes sir.

Q Was he living there with his family all the time for that six or seven years? A Yes sir.

Q Did you meet him regularly at church during that time? A Yes sir.

Q You don't remember his being away from there for any considerable length of time during that time? A He was away in and out.

Q Did he seem to be a man that was making that his home with his family? A That was his home, he told us though that he belonged in the Nation.

Q Was he living there pretty much of the time with his family? A Yes sir.

Q What business did he follow? A Anything he could get to do, well digging and anything he could make any money at, anything he could get to do like the rest of us poor fellows.

Q Did you ever miss him from church any great length of time? A Yes sir I have missed him considerable from church.

Q How much of the time? A I never kept track.

Q Did he impress you as a man that would stay away from his family for a long period of time? A Not a great long period of time.

( By Hastings )

Q Mr. Ewing, what the Commission wants to know is whether or not you saw Dave Martin at regular intervals and frequent intervals for the six or eight years that you say you saw him living there like any other man of that town? A Yes sir, saw him just like any other man there.

( By Smith )

Q Do you know whether in '73 Martin's wife joined the church up there? A No I don't recollect anything about her joining the church.

Q Didn't your brother and this man's wife get religion at the same time up there in '73— isn't Brice Brown your brother? A Yes sir.

Q Don't you recollect him and Jane Martin getting religion about the same time? A I recollect of my brother getting religion but I thought Sister Martin had religion long before that; I recollect the revival there very well.

Q When was it? A It has been so long I am not positive as to the time, it was before we built our new church.

Q Do you know whether if at this time Dave Martin was away from that

place and here in the Nation? A I think he was.  
 Q Can you tell us when that was? A The church was founded in 1887—I guess 1888, it has been so plagued long my mind is so forgetful.  
 Q Then you don't know? A I won't swear when it was.  
 ( By the Commission )  
 Q Did you visit frequently at Dave Martin's house? A Yes sir.  
 Q Do you remember how many children he had in Kansas? A No sir. I don't remember.

HORACE B. PARAMORE, called and sworn as a witness by Commissioner C. R. Breckinridge, testified as follows: ( On the part of the Cherokee Nation )

Q What is your name? A Horace B. Paramore.  
 Q How old are you? A 45.  
 Q Where do you live? A Ottawa, Kansas.  
 Q That is your post office is it? A Yes sir.  
 ( By Hastings )  
 Q What is your occupation? A My business is physician and surgeon, but I haven't been doing that for some little time.  
 Q How long have you lived in Ottawa? A Since the 28th day of March 1865.  
 Q You were quite small when you came there? A Yes sir, landed there on my 31<sup>st</sup> birthday.  
 Q Do you know this colored applicant for citizenship, David Martin? A Yes sir.  
 Q Where did you first know him? A At Ottawa.  
 Q Do you know his wife? A I used to know her, I don't know if I would if I saw her now or not.  
 Q He had a wife, did he? A Yes sir.  
 Q Where did you first know this colored man Dave Martin? A I think I got acquainted with him when he first came there, there were only a few people white or black at that time.  
 Q When was that? A Fall of '65.  
 Q How large a place was Ottawa at that time? A I don't think more than sixty or seventy-five perhaps one hundred people.  
 Q Now town? A Yes sir.  
 Q You have continued to reside there ever since that time up to now? A Yes sir.  
 Q How long did you know Dave Martin and his family to reside there from when you first knew the, on up? A They resided there several years, as to the exact number of years I can't say, I don't know exactly when they left there.  
 Q You know they resided there a number of years? A Yes sir.  
 Q Did you see Dave Martin frequently? A Yes sir.  
 Q What is your best judgment as to the length of time that you saw he and his family there? A Well I should say that they lived there at least 10 or 12 years and probably more, that is the best of my judgment, 10 or 12 years at the least calculation.  
 Q Did you see him there as you would any other resident of the town? A Yes sir.  
 Q Do you remember his wife's name, or did you know that? A I can't say for certain that I do.  
 Q Do you know of his having children? A Yes sir.  
 Q Did you see them there? A Yes sir.  
 Q Do you remember any of their names? A Well, I can't swear they  
 Q You know that he had children though? A Yes sir and I probably knew them at the time.  
 ( By Mr. Smith )  
 Q What are your initials? A H. B.  
 Q Are you engaged in now? A At present I am not doing



anything for the past eight years; I loan some money and look after my property.

Q Your business is that of a physician and surgeon? A Yes sir.

Q You say you were only six years old when you went to Ottawa? A Yes sir.

Q You don't know the time positively that Martin came to Ottawa? A The exact dates?

Q You don't know the exact year? A I think it was early in the fall or late in the summer of '66.

Q Do you state that positively or not? A I do.

Q That it was in '66? A Yes sir.

Q How do you fix that date? A By conversations I have had with my folks at home, with old citizens there, and with a conversation I had with Mr. Martin in Parsons on yesterday.

Q Do you fix it with with conversations you had with him or with others? A With all of them together, all agree in regard to the date.

Q You are not testifying then as to your independent recollection as to the time? A I recollect him as one of the first colored men in Ottawa.

Q Can you testify as of your own independent recollection that he came there in '66? A You have my answers which are the best that I can give you.

Q Can't you answer that yes or no? A I say yes.

Q Then you can recollect this without reference to anything that anybody told you, that it was '66 that he came there? A Yes sir.

Q And remember that it was in the fall? A I said it was either late in the summer or early in the fall.

Q If you remember it yourself and can state it from your independent recollection, why do you state anything in regard to conversations had with other people? A In the first place I wanted to be sure and when these other folks agreed with me in regard to the time I said so. After I was subpoenaed down here I talked the matter over with the people who were there, as I wanted to be sure about it. In 1865 there were no colored people in Ottawa at all and in 1866 there was four families I think moved into Ottawa and Mr. Martin was one of these families.

Q Do you remember that in the year 1865 there were no colored people in Ottawa, or is that what you have been told? A I remember it because there were only two or three families of whites there then, and no colored people at all.

Q You went there yourself in '65? A Yes sir.

Q You were then six years old? A Yes sir.

Q Do you claim that you remembered the change of the year, the ending of '65 and the beginning of '66 at that age, and that in the one year there were no colored people there and in the next year there were four families of them moved in? A Yes sir, I remember their coming there because where I came from there were no colored people.

Q Where did you live before you came to Kansas? A Ohio.

Q Might it not have been '67 instead of '6? A It might have been but I don't think it was.

( By Hastings )

Q You say you had a conversation with Martin which refreshed your memory? A Yes sir he had a conversation with me; he met me in Parsons and asked me —no, I told him I was coming down here to testify for the Nation, and we got to discussing when he came there, and he said

" In the first place I came there in August of '66 " and then she said " Hold on, it was October of 1866 "

( By Smith )

Q What did Mr. Martin say in his conversation, if anything in regard to the length of time he staid there at that time? A Well he stated that the Cherokee Nation knew that he commenced suit against them somewhere along in the 70's, I don't remember what time in '70, whether



it was in '73, '74 or '76, and that their records would show the dates. He said "the records will show the date I commenced that suit. I was afraid to bring my family from Kansas to the Nation" But as to what year in the '70's I don't know - I don't know if he stated exactly the year.

( By the Commission )

Q Do you know whether Dave Martin ever voted in Ottawa or not? A As far as to that I can't say, I was too young to mix in politics then, if it was within the last fifteen years I could tell you.

Q From the time he arrived with his family in Ottawa until he took them away some six years afterwards, did you know him and his family as steady and consistent residents of Ottawa? A Yes sir.

Q Was he living there as a man who came there from time to time or as any other regular resident? A As a man who lived there continuously.

Q Did you ever miss him for any length of time? A No sir.

( By Smith )

Q Did he have any children at that time? A I don't know whether he had any children in the first place, he had one or two born there.

Q The children he had born there when he left there were small children were they not? A Yes sir, small children.

( Smith Iwing re-called and examined by the Commission )

Q Do you know whether David Martin ever voted up in Ottawa? A No I don't know whether he did or not.

=====

This will be filed as supplemental testimony in the case of David Martin et al., C. F. D. #486, and also in C. F. D. #485, #497, #487, #488, #489, #490, #491, and #491.

\*\*\*\*\*

Chas. von Weise, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full, all the proceedings in the above cases and that the foregoing is a full, true and correct transcript of his stenographic notes therein

*Chas von Weise*

Subscribed and sworn to before me this the 3rd of October, 1901.



Commissioner.

Agreements:

James L. Davenport for the Cherokee Nation.  
Helicotte & Smith for the applicants.

H. C. HARFORD being first duly sworn by Court J. L. Smith, testifies as follows on the part of the Cherokee Nation:  
Davenport

Q What is your name? A H. C. Harford.

Q Where do you live? A Ottawa, Franklin County, Kansas.

Q How old are you? A 44.

Q How long have you lived in Ottawa, Kansas? Since 1885.

Q Since you have been living in Ottawa, Kansas, did you become acquainted with a colored man named David Martin? A Yes sir.

Q When did you become acquainted with him? A In the summer of '87.

Q Have you seen the gentleman since you came down here? A Yes sir I met him on the street.

Q How long after you became acquainted with him did David Martin reside at Ottawa or near there, or about how long? A David Martin lived at Ottawa and left there about 21 years ago, 20 or 21 years ago, and from the time he left there he was there off and on all the time, I missed him for a while and say him for a while, he would be gone a good deal, where he was I of course don't know.

Q Did he have a family then? A Yes sir.

Q You say you met him this time? A Yes sir.

Q Did you recognize him? A Yes sir, I recognized him that you know up there?

Q Yes sir, I did.

Q Did he recognize you? A Yes sir, a while, after he studied he finally made up his mind.

Q What time did you first know David Martin? A To the best of my knowledge it was in '87; I got acquainted with David Martin when I had been there a couple of years.

Q How old were you then? A I guess I was about 41 years old.

Q How old was David Martin then? A I don't know.

Q Was he a man? A Yes sir he was a man grown when he came there.

Q You are not sure as to the year you met him in? A I can't positively swear as to the year, I know he came there about a year and a half or two years after I came.

Q That is as long as you can remember after that length of time? A Yes sir.

Q You say he was there part of the time and the other part of the time you missed him? A Yes sir, probably I would see David Martin every couple of months or so.

Q You didn't see his family? A Yes sir.

Q Where? A In Ottawa there, I knew one of his daughters, the oldest one.

This will be filed in the original case and also in C. F. D. 485 and the sub-references thereto.

Chas. van Walle, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above case and that the foregoing is a true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this the 24th of October, 1901.

Department of the Interior  
Commission to the Five Civilized Tribes,  
Vinita, I. T. October, 15th 1901

In the matter of the application of Thomas Archer, C. F. D. 901.

Appearances:

James S. Davenport for the Cherokee Nation  
Mellette & Smith for the applicants:

CLEM V. ROGERS, being first duly sworn by C. F. T. B. Needles,  
testified as follows on the part of the Cherokee Nation:

( By Davenport )

Q What is your name? A Clem V. Rogers.

Q Where do you live? A Chawwassee.

Q What is your age? A 63.

Q How long have you lived in the Cherokee Nation? A All my life except during the war.

Q Do you know the applicant Thomas Archer? A Yes sir.

Q How long have you known him? A Since '67.

Q Where was he when you first saw him to know him? A Chawwassee district.

Q Where were you in '67? A Fort Gibson.

Q Did you have anything to do with the Rogers & Salt Works on Grand river in '67? A No sir.

Q Did you go there yourself or with anyone else in '67 and take them away from Thomas Archer or any other person? A No sir, in '67 I was freighting.

Q Did you ever drive him or any one else away from there? A No sir.

( By Mr. Smith )

Q There are several gentlemen there are Cherokee citizens by your name are there not? A Yes sir.

Q It is a right prominent name in the history of the Cherokee Nation? A Yes sir.

Q If Thomas Archer testified that you took the salt works away from him he was mistaken about that? A Yes sir.

Q You don't know when he came back? A No sir.

Q Did you know him before the war? A I don't know that I did.

( By Davenport )

Q There was only one Clem Rogers in the Cherokee Nation in '67 that was a grown man? A I didn't know of any other at that time, there is several now.

=====

This will be filed in Cherokee Freedman cases, D-901; D-1002; D-485; D-497; D-486; D-484; D-488; D-489; D-490; D-491; D-628; D-950; D-564; and D-568.

\*\*\*\*\*

Chas. von Weise, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cases and that the foregoing is a full, true and correct transcript of the stenographic notes therein.

Subscribed and sworn to before me this 17th of October 1901.



Commissioner.

File with Fred Peterson O. F. D. 480

Department of the Interior  
Commission to the Five Civilized Tribes,  
Vinita, I. T. October, 23rd, 1901.

Supplemental testimony in the matter of the application of David Martin O. F. D. 486.

Appearances:

James S. Davenport for the Cherokee Nation.  
Mellette & Smith for the applicants.

H. C. HARFORD being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation:

( By Davenport )

Q What is your name? A H. C. Harford.

Q Where do you live? A Ottawa, Franklin County, Kansas.

Q How old are you? A 44.

Q How long have you lived in Ottawa, Kansas? Since 1865.

Q Since you have been living in Ottawa, Kansas, did you become acquainted with a colored man named David Martin? A Yes sir.

Q When did you become acquainted with him? A In the summer of '67.

Q Have you seen the gentleman since you came down here? A Yes sir I met him on the street.

Q How long after you became acquainted with him did David Martin reside at Ottawa or near there, or about how long? A David Martin lived at Ottawa and left there about 21 years ago, 20 or 21 years ago, and from the time he came there he was there off and on all the time, I missed him for a while and saw him for a while, he would be gone a good deal, where he was I of course don't know.

Q Did he have a family there? A Yes sir.

Q You say you met him this morning? A Yes sir.

Q Did you recognize him as being David Martin that you knew up there? A Yes sir, I did.

Q Did he recognize you? A He didn't for a while, after he studied he finally made up his mind who I was.

( By Smith )

Q What time did you first know David Martin? A To the best of my knowledge it was in '67; I got acquainted with David Martin when I had been there a couple of years.

Q How old were you then? A I guess I was about 11 years old.

Q How old was David Martin then? A I don't know.

Q Was he a man? A Yes sir he was a man grown when he came there.

Q You are not sure as to the year you met him in? A I can't positively swear as to the year, I know he came there about a year and a half or two years after I came.

Q That is as long as you can remember after that length of time? A Yes sir.

Q You say he was there part of the time and the other part of the time you missed him? A Yes sir, probably I would see David Martin every couple of months or so.

Q You didn't see his family? A Yes sir.

Q Where? A In Ottawa there, I knew one of his daughters, the oldest one.

This will be filed in the original case and also in C. F. D. 485 and the sub-references thereto.

Chas. von Weise, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above case and that the foregoing is a true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this the 24th of October, 1901.

*Chas. von Weise*  
*C. L. McKinstry*  
Commissioner.



F.P.T.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of David Martin et al.,  
for enrollment as Cherokee Freedmen, consolidating the applications  
of

|                         |                         |
|-------------------------|-------------------------|
| David Martin et al      | Cherokee Freedmen D 486 |
| Mary A. Leek            | Cherokee Freedmen D 485 |
| Josie Looney et al      | Cherokee Freedmen D 487 |
| Eliza Manuel            | Cherokee Freedmen D 488 |
| William H. Martin et al | Cherokee Freedmen D 489 |
| Fred Peterson et al     | Cherokee Freedmen D 490 |
| Lourena Rowe et al      | Cherokee Freedmen D 497 |
| Charity Taylor          | Cherokee Freedmen D 491 |

D E C I S I O N.

The record herein shows that applications for enrollment, as Cherokee Freedmen, were made to this Commission by David Martin for himself; by Mary A. Leek for herself; by Josie Looney for herself and her minor children, Clarence, Coral, William, Julia, Georgia F. and Wayne Looney; that subsequent to the date of her original application a birth affidavit, which is made a part of the record herein, was filed with this Commission showing the birth of her child, Jettie Looney, on August 23 1902; by Eliza Manuel for herself; by William H. Martin for himself and his minor children, Captola, Amanda and Charles A. Martin; that subsequent to the date of his original application a birth affidavit, which is made a part of the record herein, was filed with this Commission showing the birth of his child, Bunk Roscoe Martin, on November 16, 1901; by Fred Peterson for himself and his minor child, Mary T. Peterson; by Perry Rowe for his wife, Lourena Rowe, and his minor children, Inola and Aleck Rowe; that subsequent to the date of his original application a birth affidavit, which is made a part of the record herein, was filed with this Commission showing the birth of his child, Elizabeth Rowe, on April 10, 1902; and by Charity Taylor for herself. The applications of the said David Martin, William H. Martin and Fred Peterson also included their wives, Jane Martin, Carrie Martin and Lena Peterson, respectively, who claim right to enrollment as Cherokee Freedmen by intermarriage, but as the status of such claimants by intermarriage is not fixed at this time, the said Jane Martin, Carrie Martin, and Lena Peterson are not embraced in this decision. The testimony taken in the case of Thomas Archer Cherokee Freedmen D 901, is filed with and made a part of the record herein.

The evidence shows that the said David Martin was the slave of a Cherokee citizen at the commencement of the rebellion; that during said rebellion he left the Cherokee Nation and did not return and take up his residence therein until after February 11, 1867. All the other applicants herein were born since the commencement of the rebellion and are descendants of, and claim right to enrollment through, the said David Martin.



--2--

None of the names of the applicants herein are found on the 1880 authenticated roll of the Cherokee Nation.

It, is therefore, the opinion of this Commission that the applications for the enrollment of David Martin, Mary A. Leek, Josie Looney, Clarence Looney, Ceral Looney, William Looney, Julia Looney, Georgia F. Looney, Wayne Looney, Jettie Looney, Eliza Manuel, William H. Martin, Captola Martin, Amanda Martin, Charles A. Martin, Bunk Roscoe Martin, Fred Peterson, Mary T. Peterson, Lourena Rowe, Izola Rowe, Aleck Rowe, Elizabeth Rowe and Charity Taylor, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Signed-- Tams Bixby.  
Chairman.

" T. B. Needles.  
Commissioner.

" C.R. Breckinridge.  
Commissioner.

" W. E. Stanley.  
Commissioner.

Dated at Muskogee, Indian Territory,  
this March 5, 1904.

1900

MAR 1902

*[Handwritten signature]*  
L. H. HARRISON

# **NOTICE.**

## **Cherokee - Freedmen - Enrollment.**

The Commission to the Five Civilized Tribes will continue in session at

**MUSKOGEE, IND. TER.,**  
from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Fred Peterson,

Nowata, Indian Territory,

Cherokee F-D-490

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

COPY.

Cherokee Freedmen  
D-490

Muskegee, Indian Territory, March 28, 1904.

Fred Petersen,

Nowata, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself and your minor child, Mary T. Peterson, as Cherokee freedmen, together with a copy of the Commission's decision, dated March 5, 1904, rejecting, among others, your said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

*W. H. Needles*

Register

Enc. D-91.

Commissioner in Charge.

Cherokee Freedmen  
D-486 et al.

Muskogee, Indian Territory, March 25, 1904..

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, in the consolidated case of David Martin et al., rejecting the applications for the enrollment of David Martin, Mary A. Leek, Jessie, Clarence, Coral, William, Julia, Georgia F., Wayne and Jettie Leoney, Eliza Manuel, William H., Captola, Amanda, Charles A. and Bunk Roscoe Martin, Fred and Mary T. Peterson, Laurena, Inola, Aleck and Elizabeth Howe and Charity Taylor as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Enc. D-94.

Commissioner in Charge.



Cherokee Freedmen  
D-486 et al.

Washoe, Indian Territory, March 25, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of David Martin, et al., including the Commission's decision, dated March 5, 1904, rejecting the applications for the enrollment of David Martin, Mary A. Leck, Josie, Clarence, Coral, William, Julia, Georgia F., Wayne and Jettie Leaney, Eliza Manuel, William H., Captola, Amanda, Charles A., and Buck Roscoe Martin, Fred and Mary I. Peterson, Lawrence, Imela, Aleck and Elizabeth Rowe and Charity Taylor as Cherokee freedmen.

Respectfully,

Through the  
Commissioner of Indian Affairs.

Commissioner in Charge.

Enc. D-98.

COPY.

Cherokee Freedmen

D-490.

Muskogee, Indian Territory, September 1, 1904.

Fred Peterson,

Nowata, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 5, 1904, rejecting, among others, your application for the enrollment of yourself and minor child, Mary T. Peterson, was affirmed by the Secretary of the Interior on August 18, 1904.

Respectfully,

(SIGNED).

*Tame Bixby.*

Chairman.

COPY.

Cherokee Freedmen  
D-488-490-491-497-  
497-487-485-486.

Muskogee, Indian Territory, September 1, 1904.

Hastings, Bell & Davenport,  
Attorneys for the Cherokee Nation,  
Vinita, Indian Territory.

Gentlemen;

You are hereby advised that the Commission's decision, dated March 5, 1904, rejecting the applications for the enrollment of David Martin; Mary A. Leek; Josie, Clarence, Coral, William, Julia, Georgia F., Wayne and Jettie Looney; Eliza Manuel; Fred and Mary T. Peterson; Charity Taylor; William H., Captola, Amanda, Charles A. and Bunk Roscoe Martin; Laurena, Inola, Aleck and Elizabeth Rowe as Cherokee freedmen, was affirmed by the Secretary of the Interior on August 18, 1904.

Respectfully,

(SIGNED).

Jane Bixby.  
Chairman.

-COPY-

W.C.F.  
Y. D.  
L.R.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

D. C. 45690-1906,  
I.T.D. 6494-1904,  
881-1908,

LRS

September 13, 1904.

Commissioner to the Five Civilized Tribes,  
Muskegee, Indian Territory.

Sir:

The Department has considered a motion to reopen the Cherokee freedman case of David Martin et al, in which case the Department on August 18, 1904, affirmed the decision of the Commission to the Five Civilized Tribes, rejecting the applicants.

The motion for review is filed by the attorneys for the applicants, and is based on the ground that the former decisions are contrary to the law governing such cases and is not warranted by the facts as shown by the record. With said motion is filed the affidavits of Daniel Tucker and Fred Martin.

Considered in connection with the record the motion and affidavits submitted are not sufficient to justify the Department in reopening the case. The motion is therefore denied, and you will so notify the proper parties.

The motion is inclosed herewith.

Respectfully,

(Signed) Theo Ryan  
Acting Secretary.

1 inclosure.

Cherokee Freedmen

E-448, et al.

Muskogee, Indian Territory, September 22, 1905.

Blue & Bulger,

Attorneys for David Martin, et al.

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that this office is in receipt of Departmental letter of September 13, denying your motion to have reopened the Cherokee Freedmen enrollment case of David Martin, et al.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

LS

Incl. 5-24

Acting Commissioner.



Cherokee Freedmen

West, et al.

Muskogee, Indian Territory, September 22, 1906.

Ball, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that this office is in receipt of Departmental letter of September 12, 1906, denying the motion of Blue & Bulger to have reopened the Cherokee Freedmen enrollment case of David Martin, et al., (C.F.N-448-4-6-7-8-2-80-01).

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

ES

Incl. 3-26

Acting Commissioner.

REPLY IN FULL TO THE FOLLOWING:  
**Cherokee Freedmen**

R-449.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, September 22, 1905.

Fred Peterson,

Nowata, Indian Territory.

Dear Sir:

You are hereby advised that this office is in receipt of Departmental letter of September 13, 1905, in which the motion, filed on your behalf to have reopened the Cherokee freedmen enrollment case of yourself, et al., as denied.

Respectfully,

W. O. Beall

Acting Commissioner.

LS

-COPY-

D. C. 52011-1905.  
I.T.D. 14844-1905.  
LRS

J.W.H.  
FHE.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

November 15, 1905.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

You are advised that a motion to reopen the Cherokee freedman enrollment case of David Martin, et al., has been filed in the Department.

See departmental letter of September 13, 1905, to you.

Respectfully,

Through the Commissioner  
of Indian Affairs.

(Signed) Thos Ryan  
First Assistant Secretary.

( C O P y )

D.C. 52744-1905

I.T.D. 14844-1905.

L R S

J. W. H.  
FHE

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

November 18, 1905.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

The Department is in receipt of a letter dated October 30, 1905, addressed to the Attorney General of the United States, from William H. Martin, of Vann, Indian Territory. This letter is in the nature of a motion for rehearing in the matter of the Cherokee freedman case of David Martin, et al., to which the said William H. Martin is a party applicant.

Neither this motion nor the affidavits filed in support of it bear evidence of service upon the attorney for the Cherokee Nation. Accordingly, all the papers filed with Mr. Martin's letter are inclosed herewith to be returned to him.

He asks to be advised what further steps should be taken to secure his enrollment. From the records of the Department it appears that a decision adverse to the applicants in the case of David Martin et al., was rendered by the Department August 18, 1904. A motion to reopen this case was denied by the Department September 13, 1905. The Department finds that the motion now under consideration does not warrant a reopening of the case;

-2-

said motion is accordingly denied

In advising Mr Martin hereof it is requested that you explain to him carefully the requirements with which he must comply if he submits a motion for rehearing in his case or for review of the Department's action therein.

Reference is here made to departmental letter of November 18, 1905, relating to this case.

Respectfully,

( Signed)

THOS RYAN  
First Assistant Secretary

Through the Commissioner  
of Indian Affairs.

3 inclosures.



Cherokee Freedmen

B-448.

Muskogee, Indian Territory, December 1, 1905.

William H. Martin,

Vann, Indian Territory.

Dear Sir:

In connection with the Cherokee Freedmen enrollment case of yourself, et al., you are advised that this office is in receipt of Departmental letter of November 18, referring to a communication from you, dated October 30, 1905, addressed to the Attorney General of the United States, in the nature of a motion for rehearing in the matter of the Cherokee Freedmen case of David Martin, et al., to which you are a party applicant. You are advised that the motion is denied by the Department for the reason that neither it nor the affidavits filed in support of it bear evidence of service upon the attorneys for the Cherokee Nation, and for the further reason that the Department finds that the motion does not warrant a reopening of the case.

You are further advised that it has been the practice of the Department to only grant motions for review, or for reopening of Cherokee enrollment cases, where it is shown that the decision was contrary to the law and evidence, or where new evidence has been discovered that is material to the case and would probably change the status of the applications for enrollment.

If you can point out wherein the decision of the Department in rejecting your application for the enrollment of yourself, et al., as Cherokee freedmen is erroneous, you may file a motion for review of Departmental decision referred to, and the same will receive due consideration. If you are in possession of newly discovered evidence that is material to your case, you may advise this office of the same, stating in detail all the facts you can establish in the event of a reopening of your case and have your motion supported by affidavits of the witnesses whose testimony you desire to introduce, indicating therein fully the facts to which they will testify, evidence of service on the attorneys for the Cherokee nation of copies of all papers filed to be furnished, and the same will be forwarded, with recommendation, for the consideration of the Secretary of the Interior.

The motion filed by you with papers attached are returned herewith.

Respectfully,

Incl. 8-8

Acting Commissioner.

( C O P Y )

Land  
6138-1906.

DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS  
WASHINGTON.

February 12, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

On January 5, 1906, the Department referred to the Commissioner to the Five Civilized Tribes, for report and recommendation, a communication from Josie Looney, dated December 27, 1905 asking that the Department order her enrollment and that of her children.

I now have the honor to enclose a communication from the Commissioner to the Five Civilized Tribes, dated January 17, 1906, in which he says that Mrs. Looney evidently refers to Cherokee freedman enrollment case of herself and children; that on March 5, 1904, the Commission to the Five Civilized Tribes rejected the application of Josie Looney for the enrollment of herself and her children, Clarence, Carol, William, Julia, Georgia F., Wayne, and Jettie Looney as Cherokee freedmen, which decision was affirmed by the Department on August 18, 1904, I.T.D. 6494; that on September 13, 1905, I. T. D. 881, and on November 18, 1905, I.T.D. 14844, the Department informed him that motions for a reopening of the case had been denied. He says the style

of the case is David Martin et al., Cherokee freedman D-486, and that there appears to be nothing contained in the letter of Josie Looney which was not considered in connection with her application for enrollment.

It is recommended that Mrs. Looney be advised in accordance with what is said in the Commissioner's report, which is borne out by the records of this office.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

CAW-GH

D.C.20246

J.W.H.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

FHE

I.T.D. 6494-1904.

8533-1905

8723-

2552-1906.

LRS.

May 19, 1906.

The Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

Referring to your report of January 17, 1906, there are inclosed herewith two motions for reconsideration of the Cherokee freedman case of David Martin, et al. These motions were filed with the Department September 7, 1905; the first (I.T.D. 8533-05) relates to all of the applicants in the case; the second (I.T.D. 8723-05) relates particularly to the case of Josie Looney, et al, which was consolidated with the said case of David Martin et al. Although a motion for a rehearing was denied November 18, 1905, in the Martin case, it does not appear that action has ever been taken on the inclosed motions. They are accordingly transmitted to your office in order that record therein of their filing may be made, to be returned thereafter with your recommendation. See enrollment sections of act of April 26, 1906 (Public No. 129).

A copy of Indian Office letter of February 12, 1906 (Land 6138-06, is inclosed.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

3 inclosures.



Muskogee, Indian Territory, August 4, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

This office is in receipt of Departmental letter of May 19, 1906 (I.T.D. 6494-1904, 8533, 8723-1905, 8552-1906), enclosing two motions for reconsideration of the Cherokee Freedmen consolidated case of David Martin et al. You state that said motions were filed with the Department September 7, 1905; that the first (I.T.D. 8533-1905), relates to all of the applicants in the case; that the second (I.T.D. 8723-1905), relates particularly to the case of Josie Leoney et al., which was consolidated with the case of David Martin et al., and that although a motion for a rehearing in the Martin case was denied November 18, 1905, it does not appear that action has ever been taken on the enclosed motions. They are transmitted to this office in order that proper record of their filing may be made, to be returned with this office's recommendation.

These motions for review are two of the 311 motions filed with the Department September 7, 1905, the filing of which this office was advised January 15, 1906 (I.T.D. 8297, 8337 to 8957 inclusive--odd numbers -- 1905, 460-1906).

Secretary-2.

All of the applicants included in these motions for review except Fred Martin and Eliza Looney, are embraced in the decision of the Commission to the Five Civilized Tribes dated March 5, 1904, in the Cherokee freedmen consolidated case of David Martin et al. D 486, et al. (now R 445 et al.), which decision was on August 18, 1904 (I.T.D. 6494-1904), affirmed by the Department.

In view of the provisions of the Act of Congress approved April 26, 1906 (Public No. 129) relative to the return to the Cherokee Nation of Cherokee freedmen, it is respectfully recommended that the motions so far as they relate to the applicants in the Martin case, be denied.

The Department, on September 13, 1905 (I.T.D. 881-1905) and November 18, 1905 (I.T.D. 14844-1905), denied motions for the reopening of this case.

The records of this office further show that the decision of the Commission to the Five Civilized Tribes dated March 5, 1904, rejecting, among others, the application for the enrollment of Eliza Looney D 537- R 636, which application was embraced in the Cherokee freedmen consolidated case of Esau Fox et al., D 506 et al., was affirmed by the Department on August 31, 1904 (I.T.D. 6756-1904). For the reasons above stated it is also recommended that said motions, so far as they relate to the case of Eliza Looney, be denied.

Secretary-3

The decision of the Commission to the Five Civilized Tribes rendered May 13, 1905, rejecting the applicants in the Cherokee freedmen consolidated case of Lewis Martin et al., D 289 et al., which case included the application of Fred Martin, was on May 13, 1905, forwarded to the Department, where it is now pending. No reason appears for the granting of said motions so far as they relate to the case of Fred Martin, and it is respectfully recommended that the same be denied.

Reference is made to two Departmental letters of May 2, 1905 (I.T.D. no number, I.T.D. 6347 .... 6705-1905), relating to the 311 motions for review herein referred to. Proper notations of the filing of these motions have been made upon the records of this office, and the same are returned herewith.

Respectfully,

Commissioner.

Through the Commissioner  
of Indian Affairs.

L M B  
Encl. B-30

D. C. 36559

J.W.H.

DEPARTMENT OF THE INTERIOR, LLB  
WASHINGTON.

I.T.D. 9337-1906.

August 22, 1906.

L R S

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

There is inclosed herewith a letter dated July 24, 1906, from Fred Peterson, Dewey, Ind. T. Mr. Peterson claims his name is on the Cherokee freedman roll and requests to be advised as to the status of his case.

It is requested that you furnish him the desired information.

Respectfully,

(Signed) Jesse E. Wilson

Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

1 inclosure.

Muskogee, Indian Territory, August 31, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

This office is in receipt of Departmental letter of August 22, 1906 (I. T. D. 9337-1906), enclosing a letter from Fred Peterson, Dewey, Indian Territory, dated July 24, 1906, asking information relative to his Cherokee freedman case.

In reply you are respectfully advised that as requested by you, Fred Peterson, has this day been advised as to the status of his Cherokee freedman case.

Respectfully,

V.A.

Acting Commissioner.

Through the Commissioner  
of Indian Affairs.



Cherokee R 449.

Freedman.

Muskogee, Indian Territory, August 31, 1906.

Fred Peterson,

Dewey, Indian Territory.

Dear Sir:

This office is in receipt, by reference of the Secretary of the Interior, of your letter of July 24, asking to be advised the status of your Cherokee freedman case.

In reply you are advised the records of this office show that the application for your enrollment as a Cherokee freedman was denied by the Secretary of the Interior on August 18, 1904; that motions to reopen your case were denied by the Department on September 13 and November 18, 1905; that on May 24, 1906, a motion for review of your case was filed with this office, and that on August 4, 1906, the same was transmitted for the consideration of the Department.

You will be advised of any further action taken in your case.

Respectfully,

M.A.

Acting Commissioner.

(C O P Y)

DEPARTMENT OF THE INTERIOR, LLB G. R.  
WASHINGTON.

L.R.S.

I.T.D. 6494-1904.

881-1905.

8533- "

8723- "

7757-1906.

12563- "

12623- "

15390- "

November 3, 1906.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:-

The Department has carefully considered, in connection with the record, motions for reopening the consolidated Cherokee freedman case of David Martin et al., filed September 7, 1906 (I.T.D. 8533, 8723), and June 23, 1906 (I.T.D. 7757), on behalf of Jessie Leoney et al.

The principal applicant, David Martin, a former slave of a Cherokee citizen, from whom he escaped and scouted in the woods of the Indian Territory until the outbreak of the civil war, when he joined the army and afterwards became a resident of the State of Kansas, is not shown to have actually returned and established a personal bona fide residence in the Cherokee Nation on or before February 11, 1867, as required by section 3 of the act of Congress approved April 26, 1906. (34 Stat., 137).

The Department sees no reason to disturb its decision of August 18, 1904 (I.T.D. 6494), denying the application for the enrollment of any applicant claiming through the said David Martin, as do the moving parties herein. The Department still adheres to its decision of August 18, 1904, adverse to such applicants, and said motion for a reopening and reconsideration is hereby denied.

You will advise moving parties and their attorneys of this action.

The record has this day been returned for the files of the Indian Office.

Respectfully,

(Signed) E. A. Hitchcock,

Secretary.

Through the Commissioner  
of Indian Affairs.

Y inclosures.

Cherokee Freed.

R-449.

Muskogee, Indian Territory, November 14, 1906.

Fred Peterson,

Dewey, Indian Territory.

Dear Sir:-

You are hereby advised that motions for rehearing of your Cherokee freedman case, filed by your attorneys September 7, 1905, were denied by the Department November 3, 1906.

Respectfully,

Commissioner.

Cherokee Freed.  
B-445, et al.

Washoe, Indian Territory, November 14, 1906.

Wine & Bulger,

Attorneys for David Martin and others.

Baxter Springs, Kansas.

Gentlemen:-

You are hereby advised that your motions filed September 7, 1905, and June 23, 1906, for a rehearing in the Cherokee freedmen cases of Davis Martin, et al. and Jessie Leoney, et al., were denied by the Department November 3, 1906.

For your information there is enclosed a copy of the Department's decision.

Respectfully,

Commissioner.

Inc.-2-14-LGG.



Cherokee Freed.  
B-456, et al.

Muskogee, Indian Territory, November 15, 1906.

W. V. Hastings,

Attorney for Cherokee Nation,  
Muskogee, Indian Territory.

Dear Sir:-

There is enclosed a copy of the Department's decision of November 3, 1906, denying the motions filed September 7, 1906, and June 23, 1906, for a rehearing in the Cherokee freedom cases of Davis Martin and others and Josie Looney and others.

Respectfully,

Commissioner.

Ino.-1-15-LGG.



MON  
RE



REGISTRY RECEIPT.

Post Office at

FT. GIBSON, I. T.

Registered Letter  
Parcel

No. 2/8

Rec'd

SEP 16 1901

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of

addressed to

He Seon  
Fr. Gibson I.T.  
Frederick Peterson  
Navato I.T.

Hubbard Road, P. M.

P. M.

Department of the Interior.  
Commission to the Five Civilized Tribes,  
MUSKOGEE, IND. TER.

UNCLAIMED



78 449

Fred Peterson,

Nevada Indian Territory.  
RETURNED TO WRITER

NOV 7  
NOV 7  
1905  
IND. T.

Cher Fr R 450

See Cher Fr R 444 and 950

Cher Fr R 450



79.49

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 11-11-01 BY 60322 UCBAW

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Chelsea, I.T., June 8rd, 1901.

In the matter of the application of Charity Taylor for the enrollment of herself as a Cherokee Freedman; being sworn and examined by Commissioner Needles, she testified as follows:

- Q What is your name? A Charity Taylor.  
Q How old are you? A I don't know just exactly how old I am.  
Q Well, about how old? A I am somewhere close to about 18 I guess.  
Q What is your post-office? A Nowata.  
Q What district do you live in? A Cooweescoowee.  
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.  
Q Was do you desire to enroll besides yourself? A Just myself.  
Q Are you married? A Yes sir.  
Q What is your husband's name? A William Taylor.  
Q Has he been enrolled? A No sir.  
Q Does your name appear upon the rolls of 1880 or 1896? A I guess it does.  
Q Did you draw what is known as Strip money? A Yes sir.  
Q Have you any children? A No sir.  
Q What is your father's name? A My father's name is Peterson.  
Q What is your mother's name? A Mary Ann Martin, Leek now.  
Q Where were you born? A I couldn't tell you. Ever since I can remember I have been in the Indian Territory.  
Q You have always lived in the Territory since you can remember?  
A Yes sir.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not identified;

1896 census roll of citizens of the Cherokee Nation examined and applicant not identified.

Kerns-Clifton pay roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:  
page 170 #4193 Charity Martin, Cooweescoowee District.

Wallace roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:  
page 175 #3256 Charity Peterson, Cooweescoowee District.

- Q Is the Mary Ann Leek that was enrolled this morning your mother?  
A Yes sir.

Examined by Cherokee Representative, W.W. Hastings:

- Q Where did your mother tell you you were born, in Kansas?  
A I don't remember whether she told me I was born in Kansas or not.  
Q You know whether she has told you, as a matter of family history?  
A Born in the Territory I guess.  
Q Has she told you ~~just where~~ where you were born? A Yes sir, she told me I was born here in the Territory.  
Q Well, what part? A Cooweescoowee District I guess, I don't know.  
Q You have no distinct recollection about it? A No sir.  
Q Where is your mother? A She is back out here.

MARY ANN LEEK, being sworn- having been sworn before by Com'r Needles, testified as follows:

- Q You have been sworn? A Yes sir.  
Q Your name is Mary Ann Leek? A Yes sir.  
Q You know Charity Taylor? A Yes sir.

Charity Taylor 2

Q Where was she born? A Grand River, Cherokee Nation.

Examined by Cherokee Representative, W.W.Hasting at

Q Is she your oldest child or youngest child? A My middle child; second child, there is a child older than she is and one younger than she is.

Q The one older than she is was born in Kansas? A Yes sir.

Q And this one was born here on Grand River? A Yes sir, born here in the Territory.

By Com'r Needles;

Q What is her father's full name? A Sam Peterson.

Com'r Needles: Charity Taylor applies for the enrollment of herself; she is fully identified upon the Kerns-Clifton and the Wallace rolls; she avers that she is a child of Mary Ann Leek, and that her father's name was Samuel Peterson; she is identified upon the Kerns-Clifton roll as Charity Martin, that having been the name of her grand-father; upon the Wallace roll as Charity Peterson, that having been her maiden name; she avers that she is a child of Mary Ann Leek, who was listed for enrollment this day upon doubtful card 435, and the testimony taken in the enrollment of said Mary Ann Leek will be made part of the testimony in the case of the applicant and copy thereof will be filed with the testimony now being taken; she is duly identified and makes satisfactory proof as to residence; she avers that she is now married to one William Taylor, a Cherokee Freedman, consequently, said Charity Taylor will be listed for enrollment as a Cherokee Freedman on a doubtful card; she will be notified of the decision of the Commission when arrived at, - by mail.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

*M.D. Green*

Subscribed and sworn to before me this June 5th, 1901.

*[Signature]*

Commissioner.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**  
JUN 3 1901

  
Acting Commissioner

## MEMORANDUM OF APPLICATION.

## CHEROKEE FREEDMEN.

Date

JUN 3 1901

Post Office

Horsata, Ia.

District

Xero

1. Name \_\_\_\_\_ Age \_\_\_\_\_  
 Owner's name \_\_\_\_\_ Citizenship \_\_\_\_\_  
 Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ District \_\_\_\_\_

Parents:

Father \_\_\_\_\_ Citizenship \_\_\_\_\_

Mother \_\_\_\_\_ Citizenship \_\_\_\_\_

2. Name of wife Charity Taylor Age 18  
 Owner's name \_\_\_\_\_ Citizenship \_\_\_\_\_  
 Year 1890 Page 170 No. 4123 District Xero

Parents:

Father Sam Peterson Citizenship Swedish

Mother Mary A. Lusk Citizenship Swedish

Names of Children:

| No. | Year | Page | No. | Dist. |
|-----|------|------|-----|-------|
| 3.  | Year | Page | No. | Dist. |
| 4.  | Year | Page | No. | Dist. |
| 5.  | Year | Page | No. | Dist. |
| 6.  | Year | Page | No. | Dist. |
| 7.  | Year | Page | No. | Dist. |
| 8.  | Year | Page | No. | Dist. |
| 9.  | Year | Page | No. | Dist. |
| 10. | Year | Page | No. | Dist. |
| 11. | Year | Page | No. | Dist. |
| 12. | Year | Page | No. | Dist. |

Application made by

No. 1

Stenographer

H. D. Green

On H. C. roll as Charity Martin  
 On Hallam Roll P. 175 No 3266, Charity Peterson, Xero Dist

7 ref to H 485



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AUG 18 1901  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
DEPARTMENT OF THE INTERIOR

-8-  
Q What county did you get it in, what town? A Ottawa.  
Mr. Bell: What year was that in? A I can't tell you nothing  
about that.

Commissioner: Mary Ann Leak applies for the enrollment  
of herself. She is not identified upon the authenticated  
roll of 1880, but is identified upon the Kern-Clifton and  
Wallace rolls, as Mary Ann Martin, that having been her  
maiden name. She avers that she is the child of David Martin.  
She will be listed for enrollment as a Cherokee Freedman  
on a doubtful card, and will be notified of the decision of  
the Commission, when arrived at, by mail.

\*\*\*\*\*

Bruce C. Jones, being duly sworn, says that as stenographer to  
the Commission to the Five Civilized Tribes he correctly recorded the  
proceedings and testimony in the above case, and the foregoing is a  
true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this 5th of August, 1901.



John H. Bell

File with

*Charity Taylor, E.F. 10491.*

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Chelms, I.T., June 8, 1901.

In the matter of the application of Mary Ann Leak for enrollment as a Cherokee Freedman.

Mary Ann Leak, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A My name is Mary Ann Leak now.
- Q How old are you? A I am 57 years old.
- Q What is your postoffice address? A Nowata.
- Q What district do you live in? A Well, I don't know.
- Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
- Q Who do you want to enroll besides yourself? A I have three children.
- Q Under age? A No, sir.
- Q They are all married? A Yes, sir.
- Q Are you married yourself? A Yes, sir.
- Q Is your husband a citizen? A Yes, sir.
- Q Has he been enrolled? A No, sir.
- Q Why isn't he here to enroll with you; is he here? A Yes, sir, he is here.
- Q Do you want to enroll him? A No, sir, he will enroll himself I suppose.
- Q Is your name on the roll of 1880? A No, sir, I guess not.
- Q Is your name on any of the Cherokee rolls? A Yes, sir, it is on the Wallace.
- Q Did you draw what is known as the Kern-Clifton money? A Yes, sir.
- Q Did you draw your Kern-Clifton money under the name of Leak?
- A No, sir, I wasn't married to him then, I drew under the name of Martin.
- The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.
- The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.
- The Kern-Clifton roll examined and the applicant identified thereon page 170, No. 4195, Cooweescoowee district, as Mary Martin.
- The Wallace roll examined and the applicant identified thereon, page 175, No. 5264, Cooweescoowee district, as Mary Ann Martin.
- Q What is your father's name? A David Martin.
- Q Is he living? A Yes, sir.
- Q What is your mother's name? A Jane Martin.
- Q Is she living? A Yes, sir.
- Q Where were you born? A I can't tell you, you will have to see my father about that, I can't tell you anything about that, I don't know.
- Q Where were you raised? A In the Territory.
- Q In the Cherokee Nation? A Yes, sir.
- Q That the first place you can recollect? A Yes, sir.
- Q Well now, have you got any witnesses as to your citizenship?
- A My father.
- Q Is he a citizen? A Yes, sir.

DAVID MARTIN, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A David Martin.
- Q How old are you? A I am 84.

Q What is your postoffice? A Coffeyville.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir, I have been.

Q Is your name on the roll of 1880? A No, sir.

Q Do you know Mary Ann Leak? A Yes, sir.

Q What relation is she to you? A My daughter.

Q Is she a Cherokee citizen? A Yes, sir, she has been so recognized.

Q Does she get her citizenship through you? A Yes, sir.

Q Have you been enrolled yet? A No, sir, not this time.

Q What is your owner's name? A My true owner was named John Martin, but I lived with Joe Martin, his uncle, who was his guardian when his father died in an early day and his uncle was the guardian for him.

Q Was he a Cherokee citizen? A Yes, sir.

Q Were you taken out of the Cherokee Nation during the war?

A No, sir, I was in the woods scouting about the breaking out of the war; yes sir, I belonged to him up to the war.

Q Did you remain in the Cherokee Nation during the war? A No, sir, I remained until February, 1861, in the woods, and then I went to Iowa in '61 and stayed there till '63, I married there in '62, and then went in the army and stayed in the army until the fall of '66 and then was discharged and returned back home in October, '68.

Q Have you been living here ever since? A No, sir, I went back to Iowa for my family, I married there and left this girl and my wife there when I went in the army, and went back there and got them and brought them back through in the fall of '66, up in Kansas, and left them there, and I came here and kept my children there until about 28 years ago I guess, then I came back here and I moved my family down here.

Q Well, 28 years ago; you have been living here for the last 28 years? A Yes, sir, most of the time.

Q Where was Mary Leak born? A She was born in Iowa.

Q Where were you married? A Married in Iowa.

Q That was in what year? A In '61.

Q Then you came back yourself to the Cherokee Nation in '66?

A Came back from the army when I was discharged, came here and came on home.

Q You didn't bring your family until 28 years ago? A I brought my family to up to Kansas, up to Ottawa.

Q But you didn't move them back to the Cherokee Nation until 28 years ago? A No, sir, I didn't bring them all back till 28 years ago.

Q Then you didn't live here in the Cherokee Nation absolutely not until 28 years ago? A Yes, sir, pretty near all the time, I was here in '73 and '4 and '5.

Q Well, where was you from '66 until '73? A I was partly in the Nation, I was scouting judge, the truth of it, I was in the woods; that is the reason I didn't bring my family back, they were trying to kill me.

Q Did you occupy any property or get any land or make a home here?

A Yes, sir, I had a home, had hogs and cows here all the time.

Q From '60? A Yes, sir, with my sister, right of that man's (Mr. Bell) house, east of where he lived.

Q Have you any other grown children besides Mary Ann? A I have four children, three girls and one boy.

Q What are their names? A One is named Josie Looney and the other is named Eliza and the other one is named Willie.

Q Are they here? A Yes, sir, all here.

Q Were they all born in Iowa? A No, sir, there was two born here and one in Kansas; two in Kansas and one here, and the grandchildren were all born here.

Q Are there any other facts in relation to your citizenship which you desire to state? A Nothing more than to prove I was here in '66, came through here in '66.

By W. W. Hastings, Cherokee Attorney: You were married in '61? A Yes sir.

Q In Iowa? A Yes, sir.

Q How come you to go to Iowa? A I got in trouble here at home.

Q How long before the war? A Got in trouble in the fall of '59 and winter of '60 and the winter of '60 I went in the woods.

Q The truth of the matter, you ran away from here in '58?

A No, sir, I was here in '58.

Q Are you sometimes known as Wiley? A That is my name, sir.

Q You belonged to Dick Martin's father? A John Martin's father.

Q Well, what relation was he to R. L. Martin? A Well Dick Martin was R. L. Martin and when Gabe Martin went to California he made Dick the guardian of John.

A Did you belong to Dick Martin? A No, sir, John Martin.

Q Well, Joe Martin had charge of you? A Yes, sir, I was off an orphan child's property.

Q And you ran away in about the year 1858? A No, sir, I ran off the winter of '59 or '60.

Q Winter of '59? A Yes, sir, '59 and '60.

Q Where did you go? A Went in the woods, I was scouting.

Q You went to Iowa? A No, sir, I didn't go to Iowa.

Q You were married in '61? A Yes, sir, I left here '61 when they were trying to catch me.

Q How long had you been acquainted with your wife when you married her? A About four months.

Q What time of the year '61 did you marry her? A Married her July 14, 1861.

Q How long had you been in Iowa when you were married? A About four months, been there about two months before I got acquainted with her.

Q And you were in Iowa when the war came up? A No, I was here in the Nation when the war came up, up in the neutral lands scouting.

Q You were in Iowa four or five months before you married? A No, sir, I wasn't that long, because I married about four months after I got acquainted, and I went there in March in the city where she lived.

Q In March of '61? A Yes, sir.

Q Well, this applicant was born in Iowa? A Yes, sir, born in Iowa.

Q Who came back with you to the Cherokee Nation after the war?

A I came back myself, I tell you I come from the army, I come right through here from the army.

Q Where were you discharged? A Discharged at Shreveport, Louisiana, and mustered out at Baton Rouge, and then sent to New Orleans and paid off.

Q Where did you go from there? A Went home, come right up the Mississippi river until I got to a little town at the mouth of the Arkansas, and then I took the Arkansas and run up to Little Rock, and from Little Rock to Fort Smith, and from Fort Smith to Fort Gibson and there I took the military wagons and come from there home, went on from there to Kansas and when I come through here there wasn't anybody here.

Q Not anybody here? A Some few in Gibson.

Q Who did you see at Gibson? A Didn't know anybody but Irvin Vann and saw Jim Alberty after I got up on the prairie.

Q What prairie? A On the military road right along from Gibson to Fort Scott.

Q Did you know him before the war? A Yes sir.



Q Did you stop and have any talk with him? A I stopped and had a talk with him, and we camped by his house.

Q Where was Jim laying? A Close to Miss Liberty's place.

Q When was that? A In '66.

Q What time in '66? A October, '66.

Q Then where did you go? A I went from there on to Leavenworth and from Leavenworth --

Q You went right on through this county to Leavenworth? A Yes, sir, and stopped a while. I stayed around there three or four days until I could get a government wagon for home.

Q You went to Fort Leavenworth then? A Yes, sir.

Q How long did you stay there? A I didn't stay there any longer than till I could get a steamboat to go up the river.

Q Is that? A Yes, sir.

Q You found your family up there? A Yes, sir, found my wife and child.

Q Well, I believe you stated you brought them down to Kansas?

A Yes, sir.

Q Now how long did your wife live there in Kansas? A Well I don't know, she was there two years she was under the doctor, they couldn't move her any way, had to lift her around in quilts; kept her there under a doctor two years and maybe two and a half, until they could get her cured, had to send back to Ohio to get a doctor to cure her.

Q Well, where did you first permanently locate in the Cherokee Nation? A I permanently located first, I took my claim right side of my sister's on Grand River close to my old home.

Q Close to the mouth of Cabin Creek? A Yes, sir, above the mouth of Cabin Creek.

Q About how far? A About three miles, or four.

Q When did you take that claim? A I took that claim in '73.

Q Did you live on it then? A Yes, sir, I improved it, put up some logs and a foundation on it.

Q Bring your family down then? A I went back and got them after I put the claim in.

Q Is that the first time you had ever come to Cabin Creek after the war? A No, sir, I traveled right through Cabin Creek as I was going home.

Q You testified five years ago that you came and located near the mouth of Cabin Creek in '66? A No I didn't.

Q You deny that now? A Why? Sure deny it, I told you then, you know I did.

Q Where did you have your cows? A Had them at sister Sam's.

Q When did you put them down there? A Put them down there, I don't recollect.

Q In 1873? A No, I put them there before '73; I put them there in '72 or '71; I was down there all those years.

Q Put your wife and your children, your family, was in Kansas?

A Yes, sir, I left them up in Kansas.

Q How far did you locate from where Mr. Bell lives? A About three miles I reckon, or four miles.

Q How old is your second child, the next one to this applicant?

A I don't know, she is five or six years younger than this one; six or seven; my wife was sick all the time until I --

Q Just the exact age? A I don't know just exactly the age.

Q How old is the third child? A She is about 20 I guess.

Q She born in Kansas? A Yes, sir, born in Kansas.

Q Did you work for Frank Comins in the year 1886? A I and Heck Hurrington and Ben Sanders, my brother Spence, come down in '86 in the winter, in January, '86, and chopped some wood for Lewis Bell, and I went back in March, '87; in '87 we come down, January, '87, as what I told you we did, we came down January, '87, and chopped wood for Lewis Bell and went back home where my family was in March, '88.



Q Mr. Bell lived there then? A Yes, sir, he was living there.  
 Q You are certain of that? A Yes, sir, I know it.  
 Q Well, he never came there till May, 1867? I, am just telling you that. A Well he was living there in the Nation, I don't know whether he was living at his house or not.

JIM ALBERTY, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Jim Alberty.  
 Q How old are you? A 70 years old.  
 Q What is your postoffice? A Cherokee.  
 Q Do you know Mary Ann back the applicant here; used to be Mary Ann Martin, or Mary Ann Peterson? A I don't know her by that name.  
 Q Do you know Dave Martin? A Yes, sir.  
 Q How long have you known him? A Ever since we were both boys.  
 Q Was he a slave? A Yes, sir.  
 Q Who did he belong to? A Old Joe Martin.  
 Q Was he a Cherokee? A Yes, sir.  
 Q Well, when was the first time you saw Dave Martin after the war between the north and south? A At my house.  
 Q When? A In 1865.  
 Q What time in '65? A Well, I don't know for certain; it might not have been in the fall.  
 Q Was he married then? A Didn't have no woman there.  
 Q How long have you known him since that? Have you known him since that? A Ever since that.  
 Q Has he lived in the Cherokee Nation continuously since that time? A Everywhere I saw him it was in the Nation, never saw him out.  
 Q Mr. Hastings: Jim, you know he hasn't been living here? A I don't know anything about that, I tell you he come to my house in '66, he come to my house and I went with him to where an old white man sold whiskey and got me a lot of whiskey and come back; I don't know where he went from that.  
 Q You haven't seen him for a long time? A It might have been a year after that, before I saw him; I wasn't particular.  
 Q Where did the white man live that you got the whiskey from? A Lived right there the other side of Russell Creek.  
 Q Went all the way up there? A Yes, sir; he said he was going for his family.  
 Q Was he on horse back too? A Yes, sir.  
 Q But he testified that he came in the government wagon? A Well he did after he got up there I guess; I don't know about that.  
 Q Well, at Fort Gibson? A I don't know; that is at home.  
 Q Where were you living? A You know where the old place that old Baugh owns that you call the Nancy Markham place; I was living right there, it was my house.  
 Q Do you know the time of the year? A It was in the fall as well as I recollect, fall or summer.  
 Q Was that the only time you saw him in '66? A I don't know but what it was.  
 Q Well, you have been thinking over the matter? A No, I have never thought over the matter.  
 Q You know you were going to be a witness for him? A I guess I am now, when they called me; I don't have to hear what any man says when I come to tell what I know.  
 Q You testified for him five years ago? A Yes, sir.  
 Q You testified then you know he was working for Frank Gumsine? A No, I didn't.

Q Do you deny that now? A Yes, sir, I was working for Frank Consine.

Q At the time you saw him? A Not exactly at the time but I had been working for Frank and Henry Rider was working for me on this place.

Q Did you know where Dave's family was when you saw him? A No, I didn't know anything about his family, I didn't know he had one at that time; Frank told me himself, I was at his house at that time.

Q How do you know? A I heard him.

Q You were sitting right there? A I was sitting where you had me.

Q When did you see his family first? A It was a year or more after I saw him here, that is at my house.

Q Do you think you saw his family here within a year? A Well, it might have been, of course I didn't keep any record of it, I never thought about him until I seen him.

Q I want you to say now how long after you saw him until you saw his family? A Maybe a year or more.

Q How much more? A I don't know.

Q You think it has been as much as six or eight years? A I can't say that because I don't know.

Q You applied for enrollment yourself at Vinita? A Yes, sir, I did.

Q You are the man that Mr. Lindsey testified was sold out of here before the war? A Yes, sir, he did, and didn't testify the truth either.

Q But you joined the army at Little Rock? A Yes, sir.

Q Mr. Lindsey said you were sold out down below Little Rock? A Old Lindsey don't know any more about me than a rabbit.

Q You have been pretty near all over the Cherokee Nation in '66?

A Yes, sir, I was pretty near all over it, every place I could get whiskey to sell I went there, that is how come I was all over it.

Q What year is this? A Well I can't tell you that.

Q You don't know one year from another, do you? A No, nobody has never told me what year this is.

Q Yet you remember what happened 35 years ago? A People that has sense, knows the dates, and told me of that.

Q But they never told you a year since that? A No, sir, never asked nothing about it, because I didn't care, never had a thought nothing about the dates or anything else since; it was told me and I was satisfied I was inside of the treaty and I noticed everybody else I seen was inside until that year was out, then I never kept no record since because I thought them come home after that was out, and I didn't pay no attention to them.

Q Where did you first see this family, at what point? A I can't tell you that, I don't know that.

Q You don't know then where you saw his family? A No, sir, I don't know, I don't recollect.

Q And you don't know how many years? A No sir, I don't.

Q Do you know when you first next saw Dave? A No, I don't know as I can place where I next saw him; the way I recollect him now I want with him.

MARY ANN LEAK, recalled, testified:

Commissioner: Have you any children? A Yes, sir.

Q How many? A Three.

Q They are all married, are they? A Yes, sir.

Mr. Hastings: Where were you married first? A I was married, I can't tell you the place, it was in the states though, the first time I married.

Q How long married? A It was in Kansas.

Q What was your first husband's name? A Petersen.

Q Were you living with your mother at the time you married?  
A Yes, sir.  
Q What was the date of your marriage? A I can't tell you about that.  
Q About how old were you? A I can't tell you that either.  
Q I mean when you married? A Well I don't know exactly myself, father can tell you.

DATED MARCH, recalled, testified:  
Mr. Hastings: About how old was your daughter when she married first? As much as 18 or 20? A She was 16 I think.

MARY ANN MAX, recalled, testified:  
Mr. Hastings: Were you married but the one time? A I have been married the only time.  
Q What is your oldest child's name? A Laurena.  
Q Where was Laurena born? A She was born, I don't recollect that either now; you will have to ask father that question.  
Q You are the mother of that child? A Yes, sir, I am her mother, but I don't know what year she was born or where we were living at.  
Q Born in Kansas? A We were living in Kansas when she was born.  
Q What is your next child's name? A Charity.  
Q Was she born in the Territory? A Yes, sir.  
Q Where? A Up there away up above where we first lived, I don't know where at.  
Q That is when you first came into the Territory? A Yes, sir.  
Q Now how old is the second child? A I don't know that either, I never kept no account of nothing of the dates, my father attended to that.  
Q Did you come in when your mother came? A Yes, sir, I came with my father and mother.  
Commissioner: What was your first husband's name? A Peterson.  
Q What was your second husband's name? A King.  
Q Is he living? A I don't know, sir, whether he is or not.  
Q Your first husband? A I don't know that either.  
Q Were you divorced from both of them? A Yes, sir.  
Mr. Hastings: Where were you married to King, your second husband? A Down here at Lightning Creek at Campbell's office.  
Q Where were you divorced from Peterson? A In the states.  
Q Kansas? A Yes, sir, where I married him.  
Q Who was the father of the second child? A Peterson; I have no children by any man except my first husband.  
Q Those three children must have been born in Kansas? A No, sir, wasn't all born in Kansas.  
Q You got a divorce from him in Kansas? A Yes, sir.  
Q Did you go back to Kansas after you came back here? A Yes, sir.  
Q How long had you lived here when you returned to Kansas? A When I went back, I didn't exactly know.  
Q A month? A I guess must be longer than that.  
Q Well, from your best judgment? A Well, I can't tell you, my father will have to tell you about that because me being quite young, I never paid no attention to nothing of that kind.  
Q You can state whether you stayed here longer than a month when you first came down here, before you went back? A Yes, sir, I guess something over a year before I went up.  
Q How long did you live in Kansas when you went back? A I wasn't living in Kansas, I just went there merely on a visit, and back.  
Q You got a divorce up there? A Yes, sir, but I didn't have to stay there long to get it.

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Q What county did you get it in, what town? A Ottawa.  
Mr. Ball: What year was that in? A I can't tell you nothing about that.

Commissioner: Mary Ann Leek applies for the enrollment of herself. She is not identified upon the authenticated roll of 1880, but is identified upon the Kern-Glister and Wallace rolls, as Mary Ann Martin, that having been her maiden name. She swears that she is the child of David Martin. She will be listed for enrollment as a Cherokee Freedman on a doubtful card, and will be notified of the decision of the Commission, when arrived at, by mail.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly received the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this 24th of August, 1891.

[Signature]

Commissioner.

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it was 1870, '72, '74 or '76, and that their records would show the dates. He said "the records will show the date I commenced that work. I was afraid to bring my family from Kansas to the Nation" but I to what year in the '70's I don't know - I don't know if he stated exactly the year.

(By the Commission.) Did Martin ever voted in Ottawa?  
Q Do you know whether Dave Martin ever voted in Ottawa?  
A No, I can't say. I was too young to mix in politics then. It was within the last fifteen years I could tell you.

Q From the time he arrived with his family in Ottawa until he took them away some six years afterwards, did you know him and his family as steady and consistent residents of Ottawa? A Yes sir.

Q Was he living there as a man who came there from time to time or as any other regular resident? A As a man who lived there continuously.

Q Did you ever miss him for any length of time? A No sir.

(By Smith.)  
Q Did he have any children at that time? A I don't know whether he had any children in the first place, he had one or two born there.  
Q The children he had born there when he left there were small children were they not? A Yes sir, small children.

(Smith Ewing re-called and examined by the Commission.)

Q Do you know whether David Martin ever voted up in Ottawa? A No I don't know whether he did or not.

=====

the name of David



File with case of Charity Taylor  
C. F. No. 491

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Wichita, I. T. October, 3d 1901.

SUPPLEMENTAL TESTIMONY in the case of David Martin et al., C.F.N. 446.

W. W. Hastings, attorney for the Cherokee Nation.  
Mellette & Smith attorneys for the applicants. (Applicant present)

SMITH EWING, being first duly sworn by Commissioner G. R. Breckinridge, testified as follows on the part of the Cherokee Nation:

- Q What is your name? A Smith Ewing.  
Q Have you any middle name? A No sir.  
Q How old are you? A Going on 31.  
Q What is your post office? A Ottawa.  
Q In Kansas? A Yes sir.  
( By W. W. Hastings )  
Q You live in Ottawa, Kansas? A Yes sir.  
Q How long have you been living at Ottawa? A I came there in 1867.  
Q Where did you move from? A I moved from Ohio city, a little place eight miles south of Ottawa.  
Q How long had you lived within eight miles south of Ottawa before '67?  
A I came there in '65.  
Q Have you been living in Ottawa since '67? A Yes sir.  
Q Do you know this colored man, David Martin that you see here? A I do.  
Q When did you first become acquainted with him? A '86, first time I ever recollect of ever seeing him.  
Q Where did you see him? A In Ottawa.  
Q Do you know his wife? A I do.  
Q What is her name? A Jane.  
Q When did you meet his wife to know her? A In 1867 after I got acquainted with brother Martin.  
Q Where did you get acquainted with his wife? A In Ottawa.  
Q Did they have any children? A They did.  
Q Name some of them if you remember? A Mary Ann.  
Q Recollect any of the rest of them? A I can't swear to what the children's names were only Mary Ann.  
Q Do you know whether Mary Ann was married? A Yes sir she was married.  
Q Who to? A Man named Peterson.  
Q Do you know where Martin's wife was in '66 when you knew him and before you knew her? A I don't.  
Q Did he or she ever tell you where she was? A Never did, neither one of them didn't tell me.  
Q You don't know where she was when she came to Ottawa? A No sir I don't know Peter's wife from her.  
Q Or from him either? A No sir I don't know her or she either ever told me.  
Q Well, what was David Martin and his wife doing when you knew them in Ottawa? A I don't know.  
Q Were they living there? A Yes living there as any other citizens I don't know as they had any business there.  
Q How long did you know them or their family, living there in Ottawa? A I don't know come and go there; I don't know how long exactly, never kept no track of it.  
Q Some six or eight years? A Yes sir, that long or maybe longer; he was a member of our church and a prominent man there.  
Q What time in '66 do you think you saw him first? A First of August, I believe it was or September, I don't know which, we used to have a day we celebrated.  
Q It was then in the summer of '66? A Yes sir.

Q You live now in Ottawa Kansas? A Yes sir.  
 ( By Mr. Smith )  
 Q Where were you when the war commenced? A In Fayetteville, Arkansas.  
 Q Where did you go during the war? A I went several places.  
 Q Did you go out of the State of Arkansas? A Yes sir.  
 Q Where to? A Missouri.  
 Q Where were you when the war closed? A In Kansas.  
 Q Where were you when you were freed? A When I was declared freed?  
 A Yes. A In Arkansas.  
 Q When was that? In '62, February, no it was in '63 when I received  
 a message from my Captain that I was free.  
 Q Do you know what time in '63? A Long in January.  
 Q Do you know what time in January? A I don't know, I didn't care  
 about the time all I cared was about the freedom.  
 Q What time did you go to Kansas? A Spring of '65, April.  
 Q Did you know David Martin before the war? A No sir.  
 Q When did you first get acquainted with him? A '66.  
 Q What time in '66? A August or September, we was at the celebration.  
 Q There were you in '66? A I was in Pottawatomie  
 in Kansas? A Yes sir.  
 Q Where were you in '66, in Kansas? A Did I say '65.  
 A Yes. A Well I was in Ohio City in '66.  
 Q Where were you in '67? A In Ottawa.  
 Q Have you lived there ever since? A Yes sir.  
 Q When did you say that Dave Martin lived there in Ottawa? A '66, I  
 knew him there -- it has all been so long I don't exactly remember  
 it all, I never kept no track of it.  
 Q You never knew nothing of him until you saw him at that celebration  
 in '66? A No sir.  
 Q You don't know what date that was? A No sir, my recollection is  
 growing very short, I don't know if it was August or September.  
 Q Do you know if it was either one of these months? A Yes sir.  
 Q Might it not have been as late as October? A No sir it wasn't  
 October.  
 Q Are you sure that celebration was in '66? A Yes sir I am sure of that  
 what makes you sure of it? A Because I know what year it was, I know  
 from the time I come to Kansas, I know just when I come from there to  
 Kansas.  
 Q When did you come there? A 1863.  
 Q What month? A April.  
 Q How long had you been there when this celebration came up? A I  
 lived in Linn County in '63, in Franklin in '64, and in '65 I lived  
 in Franklin -- hold on there, let me see whether this celebration  
 was in '65 or not -- '65, that is right.  
 Q Then as a matter of fact it was in '67? A Yes sir.  
 Q Who spoke up there? A There was no speaking there and no stirring  
 let's see there was Fuller Carter and Alice Gray and --  
 Q Have a man named Rapada that made a speech? A I don't know, there was  
 so many and I never kept no track, it has been so long.  
 Q Now that celebration was in '67 wasn't it? A No sir it wasn't,  
 the first celebration we had.  
 Q I am talking about the one at which you met David Martin? A No sir  
 Q You think it was in '68 do you? A Yes sir I recall it very well  
 now since you have brought it to my mind.  
 Q Do you know where David Martin was in '68? A I don't know, only I  
 heard him in Ottawa, but I don't know where he was all the time, he  
 is in and out, he is like a fish a fluttering and a jumping, just  
 like a fish out of water, and he flutter and jump so much I can't  
 tell where he was.  
 Q Then you are mistaken in saying that it was in '68 that you met  
 him first? A Yes sir I made a mistake there.  
 Q Now you state now positively that you saw him at all in '66? A Of

course I can.

Q Where did you see him? A Saw him in Ottawa.

Q But you don't know where he was all the time? A Just like I did other citizens, some days I used him and some days I didn't.

Q How long did you continue to see him there? A Saw him frequently for 6, 7 or 8 years, I don't know exactly how long.

Q Where were you living in '66? A I was living down to Ohio City, south of Ottawa.

Q How far from Ottawa? A Eight miles.

Q You were not living in Ottawa then? A My home wasn't there I worked in Ottawa I was working a team there.

Q Did you team in Ottawa in '66? A Yes sir.

Q How much of the time? A I teamed there all fall and summer, that was my occupation.

Q But your home was in Ohio City? A Yes sir.

( By the Commission )

Q You say you got acquainted with Dave Martin's wife Jane along about '67? A Yes sir after I moved to town.

Q When did you move to Ottawa? A In '67.

Q And you have made it your home ever since? A Yes sir.

Q Now according to Dave Martin's account and according to your own account he took his family away from there about '74? A (No response.)

Q Were you acquainted with his family from '67 to '74, 6 or 8 years?

A Yes sir.

Q What were you doing in Ottawa during that time? A I was living there and my occupation was quarrying and hauling stone.

Q Did you belong to the same church as Dave Martin? A I did.

Q You say he was a prominent man in the church there? A Yes sir.

Q Was he living there with his family all the time for that six or seven years? A Yes sir.

Q Did you meet him regularly at church during that time? A Yes sir.

Q You don't remember his being away from there for any considerable length of time during that time? A He was away in and out.

Q Did he seem to be a man that was making that his home with his family? A That was his home, he told us though that he belonged in the Nation.

Q Was he living there pretty much of the time with his family? A Yes sir.

Q What business did he follow? A Anything he could get to do, well digging and anything he could make any money at, anything he could get to do like the rest of us poor fellows.

Q Did you ever miss him from church any great length of time? A Yes sir I have missed him considerable from church.

Q How much of the time? A I never kept track.

Q Did he impress you as a man that would stay away from his family for a long period of time? A Not a great long period of time.

( By Hastings )

Q Mr. Ewing, what the Commission wants to know is whether or not you saw Dave Martin at regular intervals and frequent intervals for the six or eight years that you say you saw him living there like any other man of that town? A Yes sir, saw him just like any other man there.

( By Smith )

Q Do you know whether in '73 Martin's wife joined the church up there? A No I don't recollect anything about her joining the church.

Q Didn't your brother and this man's wife get religion at the same time up there in '73— isn't Bruce Brown your brother? A Yes sir.

Q Don't you recollect him and Jane Martin getting religion about the same time? A I recollect of my brother getting religion but I thought sister Martin had religion long before that; I recollect the revival there very well.

Q When was it? A It has been so long I am not positive as to the time, it was before we built our new church.

Q Do you know whether if at this time Dave Martin was away from that

place and here in the Nation? A I think he was.

Q Can you tell us when that was? A The church was founded in 1887—I guess 1886, it has been so plagued long my mind is so forgetful.

Q Then you don't know? A I won't swear when it was.

( By the Commission )

Q Did you visit frequently at Dave Martin's house? A Yes sir.

Q Do you remember how many children he had in Kansas? A No sir. I don't remember.

HORACE B. PARAMORE, called and sworn as a witness by Commissioner C. R. Breckinridge, testified as follows: ( On the part of the Cherokee Nation )

Q What is your name? A Horace B. Paramore.

Q How old are you? A 43.

Q Where do you live? A Ottawa, Kansas.

Q That is your post office is it? A Yes sir.

( By Hastings )

Q What is your occupation? A My business is physicial and surgeon, but I haven't been doing that for some little time.

Q How long have you lived in Ottawa? A Since the 28th day of March 1885.

Q You were quite small when you came there? A Yes sir, landed there on my sixth birthday.

Q Do you know this colored applicant for citizenship, David Martin? A Yes sir.

Q Where did you first know him? A At Ottawa.

Q Do you know his wife? A I used to know her, I don't know if I would if I saw her now or not.

Q He had a wife, did he? A Yes sir.

Q Where did you first know this colored man Dave Martin? A I think I got acquainted with him when he first came there, there were only a few people white or black at that time.

Q When was that? A Fall of '86.

Q How large a place was Ottawa at that time? A I don't think more than sixty or seventy-five perhaps one hundred people.

Q New town? A Yes sir.

Q You have continued to reside there ever since that time up to now? A Yes sir.

Q How long did you know Dave Martin and his family to reside there from when you first knew the, on up? A They resided there several years, as to the exact number of years I can't say, I don't know exactly when they left there.

Q You know they resided there a number of years? A Yes sir.

Q Did you see Dave Martin frequently? A Yes sir.

Q What is your best judgment as to the length of time that you saw he and his family there? A Well I should say that they lived there at least 10 or 12 years and probably more, that is the best of my judgment, 10 or 12 years at the least calculation.

Q Did you see him there as you would any other resident of the town? A Yes sir.

Q Do you remember his wife's name, or did you know that? A I can't say for certain that I do.

Q Do you know of his having children? A Yes sir.

Q Did you see them there? A Yes sir.

Q Do you remember any of their names? A Well, I can't swear they I do.

Q You know that he had children though? A Yes sir and I probably know them at the time.

( By Mr. Smith )

Q What are your initials? A H. B.

Q What business are you engaged in now? A At present I am not doing



anything for the past eight years; I loan some money and look after my property.

Q Your business is that of a physician and surgeon? A Yes sir.

Q You say you were only six years old when you went to Ottawa? A Yes sir.

Q You don't know the time positively that Martin came to Ottawa? A The exact dates?

Q You don't know the exact year? A I think it was early in the fall or late in the summer of '66.

Q Do you state that positively or not? A I do.

Q That it was in '66? A Yes sir.

Q How do you fix that date? A By conversations I have had with my folks at home, with old citizens there, and with a conversation I had with Mr. Martin in Parsons on yesterday.

Q Do you fix it with with conversations you had with him or with others? A With all of them together, all agree in regard to the date.

Q You are not testifying then as to your independent recollection as to the time? A I recollect him as one of the first colored men in Ottawa.

Q Can you testify as of your own independent recollection that he came there in '66? A Yes have my answers which are the best that I can give you.

Q Can't you answer that yes or no? A I say yes.

Q Then you can recollect this without reference to anything that anybody told you, that it was '66 that he came there? A Yes sir.

Q And remember that it wasn't the fall? A I said it was either late in the summer or early in the fall.

Q If you remember it yourself and can state it from your independent recollection, why do you state anything in regard to conversations had with other people? A In the first place I wanted to be sure and when these other folks agreed with me in regard to the time I said so. After I was subpoenaed down here I talked the matter over with the people who were there, as I wanted to be sure about it. In 1865 there were no colored people in Ottawa at all and in 1866 there was four families I think moved into Ottawa and Mr. Martin was one of these families.

Q Do you remember that in the year 1865 there were no colored people in Ottawa, or is that what you have been told? A I remember it because there were only two or three families of whites there then, and no colored people at all.

Q You went there yourself in '65? A Yes sir.

Q You were then six years old? A Yes sir.

Q Do you claim that you remembered the change of the year, the ending of '65 and the beginning of '66 at that age, and that in the one year there were no colored people there and in the next year there were four families of them moved in? A Yes sir, I remember their coming there because where I come from there were no colored people.

Q Where did you live before you came to Kansas? A Ohio.

Q Might it not have been '67 instead of '66? A It might have been but I don't think it was.

( By Hastings )

Q You say you had a conversation with Martin which refreshed your memory? A Yes sir he had a conversation with me; he met me in Parsons and asked me -- no, I told him I was coming down here to testify for the Nation, and we got to discussing when he came there, and he said " In the first place I came there in August of '66 " and then he said " Hold on, it was October of '66 ".

( By Smith )

Q What did Mr. Martin say in his conversation, if anything in regard to the length of time he staid there at that time? A Well he stated that the Cherokee Nation, that he commenced suit against them somewhere along in the 70's, I don't remember what time in '70, whether



It was in '74, '75, '76 or '77 and that their records would show the dates. He said "the records will show the date I commenced that suit. I was afraid to bring my family from Kansas to the Nation". But as to what year in the '70's I don't know + I don't know if he stated exactly the year.

Q Do you know whether Dave [again over voice] *retains* or not? A - As to that, I can't say. I am not going to give in politics then, if it was within the law, I would hold out.

Q. From the time he arrived with the family in Ottawa until he took them away some six years afterwards, did you and him and the family as steady and consistent residents of Ottawa? A. Yes sir.

Q Did you ever hear him tell you loads of things? No sir.

Q Did he have any children at that time? A I don't know whether he had any children in the first place. He had one or two born there.

## Generations

Commissioner of the Cherokee Nation,  
Vinita, I. T., October, 23rd, 1901.

Supplemental testimony in the matter of the application of David  
Martin G. F. D. 485.

Appearances:

James S. Davenport for the Cherokee Nation.  
Mellette & Smith for the applicants.

H. O. HARFORD being first duly sworn by Com'r T. B. Wallace, tes-  
tified as follows:

(By Davenport.)

Q What is your name? A H. O. Harford.

Q Where do you live? A Ottawa, Franklin County, Kansas.

Q How old are you? A 44.

Q How long have you lived in Ottawa, Kansas? Since 1868.

Q Since you have been living in Ottawa, Kansas, did you become ac-  
quainted with a colored man named David Martin? A Yes, sir.

Q When did you become acquainted with him? A In the Summer of 1877.

Q Have you seen the gentleman since you came down here? A Yes, sir I

met him on the street.

Q How long after you became acquainted with him did David Martin

reside at Ottawa or near there, or about how long? A David Martin

lived at Ottawa and left there about 31 years ago, 30 or 31 years

ago, and from the time he was there he was there off and on all the

time, I missed him for a while and saw him for a while, he would

be gone a good deal, but I was I of course don't know.

Q Did he have a family? A Yes, sir.

Q You say you met him some time? A Yes, sir.

Q Did you recognize him as David Martin that you knew in there?

A Yes, sir, I did.

Q Did he recognize you? A He didn't for a while, after he studied he

finally made up his mind who I was.

(By Smith.)

Q What time did you first know David Martin? A To the best of my

knowledge it was in 1867; I got acquainted with David Martin when I

had been there a couple of years.

Q How old were you then? A I guess I was about 11 years old.

Q How old was David Martin then? A I don't know.

Q Was he a man? A Yes, sir he was a man grown when he came there.

Q You are not sure as to the year you met him in? A I can't positively

swear as to the year, I know he came there about a year and a half

or two years after I came.

Q That is as long as you can remember after that length of time? A

Yes, sir.

Q You say he was there part of the time and the other part of the

time, you missed him? A Yes, sir, probably I would see David Martin

every couple of months or so.

Q You didn't see his family? A Yes, sir.

Q Where? A In Ottawa there, I knew one of his daughters, the oldest one.

This will be filed in the original case and also in G. F. D. 485 and  
the sub-references thereto.

Chas. von Weize, being first duly sworn, states that as stenographer  
to the Commission to the Five Civilized Tribes he reported in full  
the foregoing is a

File with Charity Taylor, O. F. D. 481

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, T. T. October, 18th 1901.

In the matter of the application of Thomas Archer, O. F. D. 801.

Appearances:

James S. Davenport for the Cherokee Nation  
Melletta & Smith for the applicants.

OLEN V. ROGERS, being first duly sworn by C. T. H. Needles,  
testified as follows on the part of the Cherokee Nation:

( By Davenport )

Q What is your name? A Olen V. Rogers.

Q Where do you live? A Claremore.

Q What is your age? A 33.

Q How long have you lived in the Cherokee Nation? A All my life  
except during the war.

Q Do you know the applicant Thomas Archer? A Yes sir.

Q How long have you known him? A Since '80.

Q Where was he when you first saw him to know him? A Seawater  
district.

Q Where were you in '87? A Fort Gibson.

Q Did you have anything to do with the Roger's Salt Works on Grand  
river in '87? A No sir.

Q Did you go there yourself or with anyone else in '87 and take them  
away from Thomas Archer or any other person? A No sir, in '87 I was  
freighting.

Q Did you ever drive him or any one else away from them? A No sir.

( By Mr. Smith )

Q There are several gentlemen that are Cherokee citizens by your name  
are there not? A Yes sir.

Q It is a right prominent name in the history of the Cherokee Nation?  
A Yes sir.

Q If Thomas Archer testified that you took the salt works away from  
him he was mistaken about that? A Yes sir.

Q You don't know when he came back? A No sir.

Q Did you know him before the war? A I don't know that I did.

( By Davenport )

Q There was only one Olen Rogers in the Cherokee Nation in '87 then  
was a grown man? A I didn't know of any other at that time, there  
is several now.

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This will be filed in Cherokee Freedman cases, D-801; D-1008; D-481;  
D-497; D-488; D-434; D-486; D-489; D-490; D-491; D-828; D-950; D-584;  
and D-588.

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Chas. von Weise, being first duly sworn, states that as stenographer  
to the Commission to the Five Civilized Tribes he reported in full  
all the proceedings in the above cause and that the foregoing is  
a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this the 17th of October 1901.



Commissioner.



File with Charity Taylor, C. F. D. 481.

Department of the Interior  
Commission to the Five Civilized Tribes,  
Vinita, I. T. October, 23rd, 1901.

Supplemental testimony in the matter of the application of David Martin C. F. D. 486.

Appearances:

James S. Davenport for the Cherokee Nation.  
Mellotte & Smith for the applicants.

H. C. HARTFORD being first duly sworn by Com'r T. S. Needles, testified as follows on the part of the Cherokee Nation:

( By Davenport )

Q What is your name? A H. C. Hartford.

Q Where do you live? A Ottawa, Franklin County, Kansas.

Q How old are you? A 44.

Q How long have you lived in Ottawa, Kansas? Since 1885.

Q Since you have been living in Ottawa, Kansas, did you become acquainted with a colored man named David Martin? A Yes sir.

Q When did you become acquainted with him? A In the Summer of '87.

Q Have you seen the gentleman since you came down here? A Yes sir I met him on the street.

Q How long after you became acquainted with him did David Martin reside at Ottawa or near there, or about how long? A David Martin lived at Ottawa and left there about 31 years ago, 30 or 31 years ago, and from the time he came there he was there off and on all the time, I missed him for a while and saw him for a while, he would be gone a good deal, when he was I of course don't know.

Q Did he have a family then? A Yes sir.

Q You say you met him this morning? A Yes sir.

Q Did you recognize him as the David Martin that you knew up there? A Yes sir, I did.

Q Did he recognize you? A He didn't for a while, after he studied he finally made up his mind who I was.

( By Smith )

Q What time did you first know David Martin? A To the best of my knowledge it was in '87; I got acquainted with David Martin when I had been there a couple of years.

Q How old were you then? A I guess I was about 11 years old.

Q How old was David Martin then? A I don't know.

Q Was he a man? A Yes sir he was a man grown when he came there.

Q You are not sure as to the year you met him in? A I can't positively swear as to the year, I know he came there about a year and a half or two years after I came.

Q That is as long as you can remember after that length of time? A Yes sir.

Q You say he was there part of the time and the other part of the time you missed him? A Yes sir, probably I would see David Martin every couple of months or so.

Q You didn't see his family? A Yes sir.

Q Where? A In Ottawa there, I knew one of his daughters, the oldest one.

This will be filed in the original case and also in C. F. D. 485 and the sub-references thereto.

Chas. von Waise, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this 23th of October, 1901.

*W. D. McKinnis*  
Commissioner.

To be filed with D 491  
F D 493

Department of the Interior,  
Commission to the Five Civilized Tribes.  
Muskogee, I. T., April 28, 1902.

In the matter of the application of Mariah Johnson for the enrollment of herself and others as Cherokee Freedmen.

SUPPLEMENTAL TO D-493

Applicants represented by Mellette & Smith.

Cherokee Nation represented by J.S. Davenport.

COMMISSION: The Cherokee Nation by its representative makes satisfactory proof of service on the said Mariah Johnson that it would at the offices of the Commission in the town of Muskogee, Indian Territory, on the 28th day of April, 1902, introduce testimony tending to disprove her right to be enrolled as a Cherokee Freedman. The applicant is present in person.

HATTIE DRAKE, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A Hattie Drake.

Q Where do you live, Mrs. Drake? A Lawrence, Kansas.

Q How long have you lived at Lawrence, Kansas? A Well since I came to Lawrence, I came there right after Quantrell's raid.

Q Well, do you know whether or not it was during the rebellion; the war was going on? A Yes, sir.

Q What is your age now, Mrs. Drake, or about your age? A 47 years old. My last birthday was the first day of last June.

Q After you went to Lawrence, Kansas, did you get acquainted with a family of colored people by the name of Bells and Buffingtons? A Yes, sir.

Q Do you remember the old gentleman Bell's name was? A His name was Spencer Bell, that's what they called him.

Q What was his wife's name, do you know? A Lissie.

Q Did you know any of his children? A Yes, sir.

Q What were their names, if you remember? A Well I don't know as I can remember all of their names; there was one named Matilda, and one named Mariah, and one named Maggie, and there was -- well, I think there was two other girls, but I disremember their names, and then there was a couple of boys named, one they called Johnnie and the other one they called Rector.

Q How far did you live from this Bell family, Mrs. Drake, or about how far? A Well, I couldn't tell just exactly how far it was at the time that I knew them, but we all lived in camps together there awhile, that is, Mrs. Bell, and her children, I don't remember whether Mrs. Bell lived there or not, but I seen him anyway in these camps.

Q Well after the war closed did you see them then? A Yes, sir.

Q Where did they live then if you know? A Why Mrs. Bell lived I couldn't state what street, but it was back of -- it was on the west side of the bridge street, they called it, now in North Lawrence.

Q Well did you and the children ever go to school together or any of the children? A Yes, sir.

Q Who of the children that you remember went to school with you? A Well, there was Maggie Bell and Mariah and there was another girl, I forgot her name, I don't remember her name.

Q Was that before or during the war or after the war that you went to school with the children. A It was after the war.

Q Do you remember what kind of a school whether it was a subscription or free school? A Well, my mother told me it was a free school; of course I didn't remember very well whether they paid or not, but she said it was a free school.

Q Well, now when, if at all, did the Bell family move away from



there or how long after you knew them until they left that country after the close of the war? A Well, I couldn't tell exactly how long, but then I knew them there quite a little bit, I know of Mr. and Mrs. Bell, I don't know how many the children went. They moved to Ottawa.

Q To Ottawa? A Yes, sir.

Q Do you know whether or not that Mr. Bell that you knew there, the father of these children is dead or living? A Why I heard that he died in Ottawa and was brought back to Lawrence for burial.

Q When was that, you heard that how long ago or about how long ago? A Well I couldn't tell exactly, I couldn't give the date, but then it must have been as much as fifteen or sixteen years ago, I couldn't say exactly.

Q Have you seen any of the family since they have moved away from Lawrence, met them anywhere, either of the children or old lady Bell? A Well I don't know as I have seen this lady; I think I knew about the time that she was married in Lawrence; I think this is the same lady, her face looks familiar to me. (Indicating applicant.) I wouldn't be positive because I don't know; but I knew a Mrs. Mariah Bell that married a man by the name of Aleck Johnson, and I don't know whether these is the same folks or not.

Q Where was she living when it is understood that she married a man by the name of Aleck Johnson, the Mariah Bell that you knew? A Why I understood she lived in Lawrence.

Q Well did you understand they were married there or did you understand they were married somewhere else; where did you understand they were married? A I understood they were married in Lawrence.

Q About how long ago that you understood they were married in Lawrence? A Well I couldn't tell you the date at all.

Q Couldn't tell when that was? A No, sir.

Q Have you ever seen the boys John or Rector Bell since they moved away from Lawrence, Mrs. Drake? A I don't think I have.

MR. MELLETT: Now you are 47 years old you say? A Yes, sir.

Q How old were you then in '65? A Well I couldn't tell you exactly how old I was, but I would figure it up or get some one to do it for me, my mother says that I am 47 years old the first day of last June.

Q Well you couldn't as a child eight or ten years old remember very much about dates, could you? A About what dates?

Q About days and years and months? A Why I don't pretend to know very much about them, I say I could tell just exactly the year nor the day exactly that I went to school with these girls or even know these folks; I don't know.

Q Well ~~xxx~~ now you say you knew a Maggie Bell? A Yes, sir.

Q How old was she, older than you? A I couldn't tell you, I don't know, sir.

Q Well did you know whether she was older than you or not? A No, sir.

Q What about Matilda, was she older than you? A I think Matilda was younger than I am, I think she was.

Q Well now this woman here she gives her age was 31 years; if that is true you didn't know her back in '65 and '66 did you? A I don't say that I knew this lady, I don't know whether this is the same lady or not.

Q Now she is an applicant here for enrollment as a citizen, this one is; and you don't recognize her as the one you ever met then? A Well I knew Mariah Bell, I knew her name was Mariah Johnson afterwards.

Q Well ~~xxx~~ do you know this is the one? A I don't know whether she is the same or not; I don't ~~remember~~ remember whether she is the same one or not.

Q Well if she's 31 years old, and you're 47 why you are 16 years older than she is; you wouldn't have been apt to go to school with

her? A I don't know sir, I went to school with Mrs. Bell's children.

Q Yes, but is it not a fact that you went to school with some children who were neighbors and sisters of this Mariah Johnson here? A That might have been; I don't know whether they was full brothers and sisters or not; I never inquired into it, full brothers or sisters or not.

Q Now as a matter of fact you haven't very much remembrance about dates have you when they left there or anything of that kind? A No, sir, I couldn't say when they left there.

Q And you don't know where they went except just from what people said? A No, sir, I didn't see them go.

Q Well did you ever live close to them at any time? A Well not exactly right close; as I told you these folks know us in the same camp, we camped.

Q How long did they stay in these camps? A Well I don't remember, we were in these I guess five or six weeks.

Q When was that now? A It was the same year of Quantrell's raid.

Q That was during the war then wasn't it? A Yes, sir.

Q How long after that did you know these people? A Well I knew these Bells that I know quite a bit after that.

Q You don't know where they were all the time do you? A No, sir, I don't know where they were all the time.

Q You don't know whether they came down into the Indian country or not at times and then came back up there, do you? A No, sir, I don't know anything about that.

Q Do you know where Spencer Bell was in '66? A No, sir, I do not know where he was in '66, I don't know the date; I know he lived in Lawrence, but I don't know the date he moved away from there.

Q Well you didn't watch him all the time to tell where he was every day, week and month? A No, sir.

Q Couldn't remember this length of time how many times you had seen him in a year or anything of that sort? A Oh, no, I couldn't remember how many times I seen him in a year.

MR. DAVENPORT: Mrs. Drake, what was your name before you were married to William Drake, what was your maiden name? A Well before I was married to William Drake my name was Wilson, and before I was married to Wilson I went by the name of Harriet Lee, that was my stepfather, Lee was my stepfather.

Q That was your name was it when you were going to school with these children you spoke of? A Yes, sir, Harriet Lee.

MR. MELLETT: Don't you know as a fact that Mariah Johnson, the applicant here, didn't have any sisters by the name of Matilda and Maggie Bell, that she didn't have any sister named Maggie Bell? A I don't know whether they were sisters or not, but I am talking about Mrs. Lissie Bell's children. She had a girl by the name of Matilda and one by the name of Maggie and one by the name of Mariah, I don't know whether they was this lady's sisters or not, but I am just talking about Mrs. Lissie Bell's children, the ones that I knew.

Q Now wherewas Aleck Johnson and Mariah Bell married? A I couldn't say for sure where they ~~was~~ was married, but I heard that they were married in Lawrence.

Q Now don't you know that they were married in the Cherokee Nation? A I don't know, I say that these that I speak of I heard that they were married in Lawrence.

Q Well then you are not talking about, you don't know the applicant, you don't know that ~~was~~ you even know the applicant for citizenship in this case, do you? A I know the Bells and I knew Mariah Bell and I knew a man by the name of Aleck Johnson and that they said married Mariah Bells and I heard that they were married in Lawrence, Kansas.

Q Well now when did you hear they were married? A I couldn't tell you what year.

Q But you don't know that they were married in Lawrence? A I don't know they was married at all; I didn't see them married.

Q Who told you they were married in Lawrence? A Well I heard several different ones; I wouldn't tell you right now; I don't know as you would know their names if I do call them.

Q Well I would like to have a chance. A I heard several different persons say that they were married; that's all I knew about it.

Q Well now here is a certificate of the clerk of Cooweescoowee District, Cherokee Nation, showing that these people were married in the Cherokee Nation on the 27th day of November, 1894? A I don't dispute it; I say that I heard that they were married in Lawrence.

MR. Davenport: I object to that for the reason that the applicant's own testimony shows she has a child eight years old, and the date of the birth of this child antedates the license that Mr. Mellette is using to question the witness from. Her own testimony shows that she got a child eight years old; they either commenced before they were married or they didn't marry early enough.

MARIAH JOHNSON, being first duly sworn, testified as follows:  
MR. MELLETTE: What is your name? A Mariah Johnson.

Q Where do you live? A Lenepah.

Q Are you the applicant for enrollment here in this case? A Yes, sir.

Q Do you know the witness, Hattie Drake, who just testified?

A. I tried to recognize her when she came in, but I don't; if I did I wouldn't be afraid to --

Q Well did you ever go to school with her? A I don't remember ever going to school with her.

Q Well now where were you married to Aleck Johnson? A At Lenepah.

Q At Lenepah? A Yes, sir.

Q When? A 1894 as that shows. But I just want to say like this: The year of 1890 we went down to Vinita to be married according to Cherokee law, then I think Harden Trott was the clerk there, any way it was a big fat Indian --

Q May be it was this man here (Pointing to Mr. Davenport.) A No, he doesn't look like he had much Indian blood. He told me that --

MR. DAVENPORT: I object to what he told you.

A Aleck Johnson would have to be known in here three years before he could be married according to Cherokee law, so we had Brother Smith to marry us without the license until we could apply to --

Q Who was Brother Smith? A Rev. Smith of Coffeyville. He married us at Lenepah; the colored people never got no license. Yes, sir, we just went down to be married, and we didn't have the seal of our license. Well, I got married to my husband, Aleck Johnson, and we went to the clerk to get our license so that we could be married according to Cherokee law, and he said he wouldn't accept it without the seal, and he sent back up north to get the seal put on, and we would comply with the law; that's the reason why that my oldest child, as you say, comes under -- I could prove that if it's necessary, and Kansas has the record, and if I can find my marriage license, but I would like to do that because there isn't nowhere in the Cherokee Nation --

Q Where were you born? A Why my mother said that we were born here in the Cherokee Nation.

MR DAVENPORT: I object to what she said.

A. That's my instructions; I asked her and she said so, in the Cherokee Nation. We went to this man to get a license and he said that to comply with this Cherokee law

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-3-  
a man would have to be known here at least three years.

MR. DAVENPORT: I object to that because it isn't the law.

A Well, that's what they told us --

MR. DAVENPORT: And I object to incorporating any of that in the record.

A Well, that's what they told us.

MR. MELLETT: Where did you understand, what part of the Cherokee Nation do you understand you was born in? A Why she told us close to the line; she tried to explain and tell him where it was at in the other court, Mr. Hastings.

MR. DAVENPORT: Now have you any brothers? A I have.

Q What are their names? A Roster and John.

Q Bell? A Yes, sir.

Q What was your father's name? A Spencer Bell.

Q Spencer Bell? A Yes, sir.

Q What was your mother's name? A Elizabeth Bell.

Q Do you know whether or not as near as you can remember that your mother and father ever lived in Lawrence, Kansas? A Why I told them that I --

Q Now just answer the question? A Yes, sir, my mother was there.

Q Your father died at Ottawa, didn't he? A Yes, sir.

Q Where was you when your father died? A Was going to school.

Q Your father was living in the town of Ottawa at the time of his death? A Why no, sir, he just lived --

Q Just answer my question, yes or no? A No, sir.

Q Wasn't your father keeping house in the town of Ottawa? A No, sir.

Q Wasn't he keeping house in the town of Ottawa and living with your mother and the other children at the time of his death? A I never lived in Ottawa in my life, and never was there two nights in my life.

Q Now wasn't you? A No, sir.

Q Did your father and mother ever keep house in the town of Lawrence, Kansas; you was large enough to remember? A No, my mother was there part of the time with us.

Q Where was your father living at the time of his death? A After he had lived here in the Cherokee Nation.

Q Did he die in the Cherokee Nation? A No, sir, but he died sixty miles this side of Lawrence as we was coming back here to the Cherokee Nation.

Q Was you with him at the time of his death? A No, sir.

Q Well, how do you know where he was when he died? A Why wouldn't I?

Q Well if you wasn't with him how do you know it? A Why because I guess I seen him, I ought to know.

Q You didn't see him, you wasn't present when he died? A No, sir.

Q You wasn't present at his funeral? A No, I wasn't because I was sick, but I could have been.

Q Where was you when the funeral took place? A In Lawrence, Kansas.

Q In Lawrence? A Yes, sir.

Q And you was living in the city of Lawrence at the time of his death? A Was there going to school.

Q Now you and Aleck Johnson met in the city of Lawrence, Kansas, didn't you? A Why I have seen him in Lawrence.

Q Wasn't you married and living in Kansas? A No, sir, I got married to Aleck Johnson here in the Indian Territory.

Q Did you ever meet Aleck Johnson before you met him in the Indian Territory? A Yes, sir, I have seen him a good many times before.

Q You knew him when you lived in Kansas? A Yes, sir.

Q Knew him when you was a grown woman up there too, didn't you?

A No, sir, I wasn't no grown woman.

Q Did you marry him before you was grown? A No, I married him



after I was grown.

Q Did you know of any of the officers in the city of Lawrence, Kansas after you was grown? A I might have known them.

Q You knew W.A. Clark, who was sheriff there in 1889 didn't you? A I might have known him.

Q Aleck Johnson worked for and was with W.A. Clark in the city of Lawrence, helped him make his race in the campaign of 1889? A I expect he was.

Q Was you living in the third ward at that time, was you where Mr. Carl was living? A Why I never lived in no third ward --

Q Just answer the question. A No, sir.

Q You knew Mr. Clark didn't you, that was sheriff there? A I might have known him.

Q You knew the colored men, the colored people solicited him to make the race? A No, sir, I wasn't a politician at that time and I'm not yet.

Q You and Aleck Johnson was married before this license that you speak of here by the Cherokee authorities was issued, wasn't you? A Yes, sir.

Q Well now what year did you say you was married? A The year of 1890.

Q And in what country? A Cherokee Nation.

Q Where is that license that you got in the Cherokee Nation to marry? A Why we was married just like the other people around there, had a preacher, didn't have no license.

Q There was a law at that time requiring any United States citizen to get a license? A No, sir, not as I know of. We just got a preacher and got married. He went through the country marrying people without any license.

Q Just promiscuously around over the country? A Yes, sir.

Q When you applied to Mr. LeHay to get your Cherokee license, that you had him send your other license away to get the seal put on it? A No, sir. That was a recommendation; you see they had to have

twelve citizens from there and twelve from the Cherokee Nation here before those Indian licenses were granted; then when I brought this to Kansas it was a recommendation. It wasn't no license, the recommendation wasn't no license, it was a list of names.

Q You was mistaken when you said he sent the license; what seal did they put on it up there? A They put just the United States seal.

Q What country, where did he send it to get the seal? A Kansas.

Q Now what seal was it? A United States seal. They was no seal at all on it first and Mr. LeHay said that he wouldn't accept it without the seal, so that that delayed us; he had to send it back up there to get the seal put on it.

Q Where was you living when you and Aleck Johnson was married in 1890 as you say? A Was living in the Cherokee Nation.

Q What point? A I stayed part of the time with my uncles, we didn't have no place then.

Q Well did you have a postoffice? A Yes, sir.

Q What was your postoffice? A Coffeyville, Kansas. We would go up there to get our mail, but he was living in the Cherokee Nation.

Q Where would you make your home when you was living in the Cherokee Nation? A Part of the while with Dave Martin and lived with George.

Q Dave went clear away from Elliott postoffice? A I got my mail at Coffeyville. I don't know where Uncle Dave was, I didn't --

Q You lived the greater part of the time in Coffeyville didn't you? A No, sir never did live in Coffeyville.

Q Now where was you when you first remember of coming, where did you live? A When I first remember of coming?



Q Yes. A Why I didn't have to come; I was already here and went out to school when I was about nine years old.  
Q And you stayed out to school until after you was grown? A No, sir, in '87 my mother written for me to come home, her health was failing, and after I come home she died.  
Q When did your mother come back to the Cherokee Nation after the war? A I don't know anything about that or when father came.  
Q You know your father died in Kansas? A Yes, sir.  
Q Your mother died up there too didn't she? A Yes, sir.  
Q Well when did she come back after your father's death; how long after that, if she came at all? A Why she was here before father died and went back.  
Q Well when she was living up there in Kansas where were you living? A I was up there going to school.  
Q Well didn't you do anything else but go to school? A I worked some.  
Q How many years did you go to school in Kansas? A Well, I guess I went to school through the first, second, third and fourth until I got to the eighth grade. I was in the eighth grade when she written for me to come home.  
Q With whom did you stay while you was attending school up until you got up to the eighth grade in Kansas? A My stepsisters sometimes.  
Q What were their names? A By the name of Green.  
Q Well her first name; first name; what was Mrs. Green's first name? A Hannah.  
Q Well have any other sisters up there? A Not in Lawrence, Kansas.  
Q Well anywheres up in that country? A Why in Ottawa, Kansas, I have one.  
Q What was her first name? A Betsy, she just half-sister.  
Q Have you any other sisters? A Matilda.  
Q Any other? A No.  
Q Now was Matilda your own sister or half sister? A She is a full sister.  
Q You only have the two half-sisters you mention, didn't have any sister named Maggie? A Half-sister.

COMMISSION: This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: D-494, D-491, and D 493, the case at bar.

Arthur G. Croninger, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger.

Subscribed and sworn to before me this 30th day of April, 1902.

P.G. Reuter,  
Notary  
Public

(SEAL)

C.L. Mielenz, being first duly sworn states, that as stenographer to the Commission to the Five Civilized Tribes he copied in full the testimony in the above case, and that the foregoing is a true and complete transcript thereof.

*C.L. Mielenz*

Subscribed and sworn to before me this 12th day of May, 1902.

*P.G. Reuter*  
Notary Public.

( C O P Y )

Freed. D 880

Department of the Interior ,  
Commission to the Five Civilized Tribes,  
Muskogee, I.T., May 31, 1902.

In the matter of the application of PERKY ADAMS for  
enrollment as a Cherokee Freedman.

Applicant appears by Mellette & Smith;  
Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified  
copy of the decree of the Court of Claims in the case of  
Moses Whitmire, Trustee for the Freedmen, vs. The Cherokee Nation,  
No. 17209 filed in the Mariah Hayden case F.D. 498, a part of the  
record in this case and the cases hereinafter mentioned by refer-  
ence to the said case of the said Mariah Hayden, and if it be deemed  
necessary that a copy of the said decree be filed in this case and  
in the following cases, to-wit:

David Martin, D 486;  
Vinnie Martin, "

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the intro-  
duction of the decree, because, First: It does not tend to show  
that the applicant was a slave of the Cherokee Nation at the  
beginning of the war, nor that he returned within the time specified  
in the treaty of 1866, or that he had been a continuous resident  
of the Cherokee Nation since that time, or that he is a descendant  
of such a person. Second: Because the same is incompetent, irrele-  
vant and immaterial, and does not tend to prove an issue in this  
case. Third: Because the Commission will take judicial knowledge  
of all laws, treaties and decrees necessary for the determination  
of the right of any person who makes application for citizenship.  
Fourth: The Cherokee Nation objects to the filing of a certified  
copy of this decree in the case of an applicant unless the same is  
called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be en-  
tertained and the decree of the Court of Claims filed in the case  
of Mariah Hayden will be made a part of the record by reference in  
all the cases above named with the exception of those which come  
within the provisions of the temporary injunction recently granted  
by Judge Gill of the United States Court, of the Northern District  
Indian Territory.

MR. Smith:

The applicant further moves that as to the above named  
cases including the Mariah Hayden case that counsel for the appli-  
cant be allowed within thirty days to file any of the proof of any  
or all of the record other than the decree already referred to

In the case of Moses Whitmire, trustee, vs. Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W.W.Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of the attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

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The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P.G. Reuter,

(SEAL)

Notary Public

-----  
I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing

is a true and perfect copy of the original testimony in the above  
entitled cause as filed with the Commission, which copy was made  
by me.

(Signed) R. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

(Signed) F. W. Reuter,

(SEAL)

Notary Public

1000 STREETS.

P. O. BOX.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

P. O. BOX.  
Aug. 1, 1902.

Tom Bixby  
Acting Chairman.

-----  
Lucy M. Newman, being under oath, states that as stenographer to  
the Commission to the Five Civilized Tribes, she made the above  
and foregoing copy, and that the same is a full true and correct  
copy of a document on file with the Commission.

Subscribed and sworn to before me this 28th day of September, 1904

*W. H. Martin Jr.*  
Notary Public.



F.P.T.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of David Martin et al.,  
for enrollment as Cherokee Freedmen, consolidating the applications  
of

|                         |                         |
|-------------------------|-------------------------|
| David Martin et al      | Cherokee Freedmen D 486 |
| Mary A. Leek            | Cherokee Freedmen D 486 |
| Jessie Leoney et al     | Cherokee Freedmen D 487 |
| Eliza Manuel            | Cherokee Freedmen D 488 |
| William H. Martin et al | Cherokee Freedmen D 489 |
| Fred Petersen et al     | Cherokee Freedmen D 490 |
| Laurena Rowe et al      | Cherokee Freedmen D 491 |
| Charity Taylor          | Cherokee Freedmen D 491 |

DECISION.

The record herein shows that applications for enrollment, as Cherokee Freedmen, were made to this Commission by David Martin for himself; by Mary A. Leek for herself; by Jessie Leoney for herself and her minor children, Clarence, William, Julia, Georgia F. and Wayne Leoney; that subsequent to the date of her original application a birth affidavit, which is made a part of the record herein, was filed with this Commission showing the birth of her child, Jettie Leoney, on August 23, 1908; by Eliza Manuel for herself; by William H. Martin for himself and his minor children, Captola, Amanda and Charles A. Martin; that subsequent to the date of his original application a birth affidavit, which is made a part of the record herein, was filed with this Commission showing the birth of his child, Bunk Reese Martin, on November 16, 1901; by Fred Petersen for himself and his minor child, Mary T. Petersen; by Perry Rowe for his wife, Laurena Rowe, and his minor children, Inola and Alank Rowe; that subsequent to the date of his original application a birth affidavit, which is made a part of the record herein, was filed with this Commission showing the birth of his child, Elizabeth Rowe, on April 10, 1908; and by Charity Taylor for herself. The applications of the said David Martin, William H. Martin and Fred Petersen also included their wives, Jane Martin, Carrie Martin and Lena Petersen, respectively, who claim right to enrollment as Cherokee Freedmen by intermarriage, but as the status of such claimants by intermarriage is not fixed at this time, the said Jane Martin, Carrie Martin and Lena Petersen are not embraced in this decision. The testimony taken in the case of Thomas Archer Cherokee Freedmen D 901, is filed with and made a part of the record herein.

The evidence shows that the said David Martin was the slave of a Cherokee citizen at the commencement of the rebellion; that during said rebellion he left the Cherokee Nation and did not return and take up his residence therein until after February 11, 1867. All the other applicants herein were born since the commencement of the rebellion and are descendants of, and claim right to enrollment through, the said David Martin.



None of the names of the applicants herein are found on the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the applications for the enrollment of David Martin, Mary A. Leck, Jessie Leoney, Clarence Leoney, Coral Leoney, William Leoney, Julia Leoney, Georgia F. Leoney, Wayne Leoney, Fattie Leoney, Eliza Manuel, William E. Martin, Captela Martin, Amanda Martin, Charles A. Martin, Bank Reese Martin, Fred Peterson, Mary T. Peterson, Lawrence Rowe, Lucie Rowe, Alack Rowe, Elizabeth Rowe and Charity Taylor, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1906 (34 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Signed-- Tame Xixy.

Chairman.

• T. E. Needles.  
Commissioner.

• C. E. Brockbridge.  
Commissioner.

• V. E. Stanley.  
Commissioner.

Dated at Muskogee, Indian Territory,  
this March 8, 1904.

7.2.49

7

MAR

*[Faint handwritten signature or text]*

# **NOTICE.**

## **Cherokee - Freedmen - Enrollment.**

The Commission to the Five Civilized Tribes will continue in session at

### **MUSKOGEE, IND. TER.,**

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Charity Taylor,

Muskogee, I.T.

Cherokee F-B-471

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Cherokee Freedmen  
-491

Muskogee, Indian Territory, March 25, 1904.

Charity Taylor,

Nowata, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the record of proceedings had in the consolidated case of David Martin et al., together with a copy of the Commission's decision, dated March 5, 1904, rejecting, among others, your application for enrollment as a Cherokee freedman.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Register  
Enc. D-93

Commissioner in Charge.

Cherokee Freedmen  
D-486 et al.

Muskogee, Indian Territory, March 28, 1904.

K. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 3, 1904, in the consolidated case of David Martin et al., rejecting the applications for the enrollment of David Martin, Mary A. Leek, Jessie, Clarence, Coral, William, Julia, Georgia F., Wayne and Jettie Leasey, Eliza Manuel, William H., Captola, Amanda, Charles A. and Hunk Roscoe Martin, Fred and Mary T. Peterson, Laurena, Inola, Aleck and Elizabeth Howe and Charity Taylor as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Enc. 1-94.

Commissioner in Charge.



Cherokee Freedmen  
D-486 et al.

Muskogee, Indian Territory, March 25, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of David Martin, et al., including the Commission's decision, dated March 5, 1904, rejecting the applications for the enrollment of David Martin, Mary A. Leek, Jessie, Clarence, Coral, William, Julia, Georgia F., Wayne and Jettie Leoney, Eliza Manuel, William H., Captola, Amanda, Charles A., and Bunk Reese Martin, Fred and Mary T. Peterson, Lourena, Inola, Aleck and Elizabeth Rowe and Charity Taylor as Cherokee freedmen.

Respectfully,

Through the  
Commissioner of Indian Affairs.

Commissioner in Charge.

Enc. D-96.

Refer in reply to the following:  
Land. 2267-1904.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, August 12, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized tribes, dated March 25, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen, by David Martin for himself; by Mary A. Leek for herself; by Jessie Leeway for herself and her minor children, Clarence, Coral, William, Julia, Georgia F., Jettie and Wayne Leeway; by Eliza Manual for herself; by William H. Martin for himself and his minor children, Captella, Amanda, Charles A. and Frank Reuben Martin; by Fred Petersen for himself and his minor child, Mary E. Petersen; by Perry Rowe for his wife, Lawrence Rowe, and his minor children, Inela, Aleck and Elizabeth Rowe.

March 2, 1904, the Commission decided adversely to the applicants.

The record shows that the principal applicant, David Martin, was the slave of a Cherokee citizen, and escaped from his master prior to the war and did not return to the Cherokee Nation prior to February 11, 1867.

Y. F.

THE

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

I.T.D. 6494-1904.  
D. C. 30-42-1904.

August 18, 1904.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

March 23, 1904, you transmitted the record in the consolidated Cherokee freedman case of David Martin, et al (D-404), including your decision dated March 8, 1904, rejecting the applicants.

Reporting in the matter August 13, 1904, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed:

Respectfully,

(Signed) Theo Ryan,

Acting Secretary.

1 inclosure.

The other applicants' sole title to enrollment is based on that of David Martin.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

W. A. Jones,

Commissioner.

M.N.Y.  
W.

COMMISSIONERS:  
TAMM HENRY,  
THOMAS F. WHEELER,  
C. E. BRACKENRIDGE,  
W. G. HEALY,  
Secretary.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

|                                   |
|-----------------------------------|
| REPORT IN REPLY TO THE FOLLOWING: |
| Cherokee Freedmen                 |
| D-493.                            |

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, September 1, 1904.

Charity Tayler,

Nowata, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision, dated March 5, 1904, rejecting, among others, your application for enrollment as a Cherokee freedman was affirmed by the Secretary of the Interior on August 18, 1904.

Respectfully,



Chairman.



-COPY-

V.C.F.  
T. P.  
LLE

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

D. C. 43690-1905.  
I.T.D. 4494-1904.  
881-1905.

LRS

September 18, 1905.

Commissioner to the Five Civilized Tribes,  
Muskegee, Indian Territory.

Sir:

The Department has considered a motion to reopen the Cherokee freedman case of David Martin et al, in which case the Department on August 18, 1904, affirmed the decision of the Commission to the Five Civilized Tribes, rejecting the applicants.

The motion for review is filed by the attorneys for the applicants, and is based on the ground that the former decisions are contrary to the law governing such cases and is not warranted by the facts as shown by the record. With said motion is filed the affidavits of Daniel Tucker and Fred Martin.

Considered in connection with the record the motion and affidavits submitted are not sufficient to justify the Department in reopening the case. The motion is therefore denied, and you will so notify the proper parties.

The motion is inclosed herewith.

Respectfully,

(Signed) Theo Ryan  
Acting Secretary.

1 inclosure.

NOTE IN REPLY TO THE COMMISSIONER

Cherokee Freedmen

R-450.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Wuskogee, Indian Territory, September 22, 1905.

Charity Taylor,

Nowata, Indian Territory.

Dear Madam:

You are hereby advised that this office is in receipt of Departmental letter of September 13, 1905, in which the motion filed on your behalf, to have reopened the Cherokee freedmen enrollment case of yourself, et al., is denied.

Respectfully,

W. O. Beall

Acting Commissioner.

LS

Cherokee Freedmen

R-445, et al.

Muskogee, Indian Territory, September 22, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that this office is in receipt of Departmental letter of September 13, 1905, denying the motion of Blue & Bulger to have reopened the Cherokee Freedmen enrollment case of David Martin, et al., (C.F.R-445-4-6-7-8-9-50-51).

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

LS

Acting Commissioner.

Incl. S-25

Cherokee Freedmen

R-445, et al.

Muskogee, Indian Territory, September 22, 1905.

Blue & Bulger,

Attorneys for David Martin, et al.,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that this office is in receipt of Departmental letter of September 13, denying your motion to have reopened the Cherokee Freedmen enrollment case of David Martin, et al.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

LS

Acting Commissioner.

Incl. 5-24

-COPY-

D. C. 52011-1906.  
I.T.B. 14844-1905.  
LRS

J.W.H.  
FHE.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

November 15, 1905.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

You are advised that a motion to reopen the Cherokee freedman enrollment case of David Martin, et al., has been filed in the Department.

See departmental letter of September 13, 1905, to you.

Respectfully,

Through the Commissioner  
of Indian Affairs.

(Signed) Thos Ryan  
First Assistant Secretary.



( C O P Y )

D.C. 52744-1905

J. W. H.  
FHB

I.T.D. 14844-1905.

L R 3

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

November 18, 1905.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

The Department is in receipt of a letter dated October 30, 1905, addressed to the Attorney General of the United States, from William H. Martin, of Vann, Indian Territory. This letter is in the nature of a motion for rehearing in the matter of the Cherokee freedman case of David Martin, et al., to which the said William H. Martin is a party applicant.

Neither this motion nor the affidavits filed in support of it bear evidence of service upon the attorney for the Cherokee Nation. Accordingly, all the papers filed with Mr. Martin's letter are inclosed herewith to be returned to him.

He asks to be advised what further steps should be taken to secure his enrollment. From the records of the Department it appears that a decision adverse to the applicants in the case of David Martin et al., was rendered by the Department August 18, 1904. A motion to reopen this case was denied by the Department September 13, 1905. The Department finds that the motion now under consideration does not warrant a reopening of the case;

-2-

said motion is accordingly denied

In advising Mr Martin hereof it is requested that you explain to him carefully the requirements with which he must comply if he submits a motion for rehearing in his case or for review of the Department's action therein.

Reference is here made to departmental letter of November 18, 1906, relating to this case.

Respectfully,

( Signed ) THOS RYAN  
First Assistant Secretary

Through the Commissioner  
of Indian Affairs..

3 inclosures.

Cherokee Freedmen

B-448.

Muskogee, Indian Territory, December 1, 1905.

William H. Martin,

Wann, Indian Territory.

Dear Sir:

In connection with the Cherokee Freedmen enrollment case of yourself, et al., you are advised that this office is in receipt of Departmental letter of November 18, referring to a communication from you, dated October 20, 1905, addressed to the Attorney General of the United States, in the nature of a motion for rehearing in the matter of the Cherokee Freedmen case of David Martin, et al., to which you are a party applicant. You are advised that the motion is denied by the Department for the reason that neither it nor the affidavits filed in support of it bear evidence of service upon the attorneys for the Cherokee Nation, and for the further reason that the Department finds that the motion does not warrant a reopening of the case.

You are further advised that it has been the practice of the Department to only grant motions for review, or for reopening of Cherokee enrollment cases, where it is shown that the decision was contrary to the law and evidence, or where new evidence has been discovered that is material to the case and would probably change the status of the applications for enrollment.

If you can point out wherein the decision of the Department in rejecting your application for the enrollment of yourself, et al., as Cherokee freedmen is erroneous, you may file a motion for review of Departmental decision referred to, and the same will receive due consideration. If you are in possession of newly discovered evidence that is material to your case, you may advise this office of the same, stating in detail all the facts you can establish in the event of a reopening of your case and have your motion supported by affidavits of the witnesses whose testimony you desire to introduce, indicating therein fully the facts to which they will testify, evidence of service on the attorneys for the Cherokee Nation of copies of all papers filed to be furnished, and the same will be forwarded, with recommendation, for the consideration of the Secretary of the Interior.

The motion filed by you with papers attached are returned herewith.

Respectfully,

Incl. 2-5

Acting Commissioner.

( C O P Y )

Land  
6136-1906.

DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS  
WASHINGTON.

February 13, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

On January 6, 1906, the Department referred to the Commissioner to the Five Civilized Tribes, for report and recommendation, a communication from Josie Looney, dated December 27, 1905 asking that the Department order her enrollment and that of her children.

I now have the honor to enclose a communication from the Commissioner to the Five Civilized Tribes, dated January 17, 1906, in which he says that Mrs. Looney evidently refers to Cherokee freedman enrollment case of herself and children; that on March 6, 1904, the Commission to the Five Civilized Tribes rejected the application of Josie Looney for the enrollment of herself and her children, Clarence, Coral, William, Julia, Georgia P., Wayne, and Jettie Looney as Cherokee freedmen, which decision was affirmed by the Department on August 18, 1904, I.T.D. 6494; that on September 13, 1905, I. T. D. 681, and on November 18, 1905, I.T.D. 14844, the Department informed him that motions for a reopening of the case had been denied. He says the style



of the case is David Martin et al., Cherokee freedman D-486, and that there appears to be nothing contained in the letter of Josie Looney which was not considered in connection with her application for enrollment.

It is recommended that Mrs. Looney be advised in accordance with what is said in the Commissioner's report, which is borne out by the records of this office.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

GAF-CH

D.C.20246

J.V.H.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

THE

I.T.D.6494-1904.  
8533-1905  
8723- "  
2552-1906.

LRS.

May 19, 1906.

The Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

Referring to your report of January 17, 1906, there are inclosed herewith two motions for reconsideration of the Cherokee freedman case of David Martin, et al. These motions were filed with the Department September 7, 1905; the first (I.T.D. 8533-05) relates to all of the applicants in the case; the second (I.T.D. 8723-05) relates particularly to the case of Jemie Looney, et al, which was consolidated with the said case of David Martin et al. Although a motion for a rehearing was denied November 18, 1905, in the Martin case, it does not appear that action has ever been taken on the inclosed motions. They are accordingly transmitted to your office in order that record therein of their filing may be made, to be returned thereafter with your recommendation. See enrollment sections of act of April 26, 1906 (Public No. 129).

A copy of Indian Office letter of February 12, 1906 (Land) 6138-06, is inclosed.

Respectfully,

Jesse H. Wilson,

Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

3 inclosures.

Mustang, Indian Territory, August 4, 1906

The Honorable,

The Secretary of the Interior.

Sir:

This office is in receipt of Departmental letter of May 19, 1906 (I.T.D. 6494-1904, 6533, 6723-1905, 6532-1906), enclosing two motions for reconsideration of the Cherokee Freedmen consolidated case of David Martin et al. You state that said motions were filed with the Department September 7, 1905; that the first (I.T.D. 6533-1905), relates to all of the applicants in the case; that the second (I.T.D. 6723-1905), relates particularly to the case of Josie Koonay et al., which was consolidated with the case of David Martin et al., and that although a motion for a rehearing in the Martin case was denied November 16, 1905, it does not appear that action has ever been taken on the enclosed motions. They are transmitted to this office in order that proper record of their filing may be made, to be returned with this office's recommendation.

Secretary-2.

These motions for review are two of the 211 motions filed with the Department September 7, 1903, the filing of which this office was advised January 21, 1905 (I.T.D. 8297, 8337 to 8887 inclusive—old numbers—2522, 460-1906).

All of the applicants included in these motions for review except Fred Martin and Eliza Lenny, are embraced in the decision of the Commissioner to the Five Civilized Tribes dated March 8, 1904, in the Cherokee freedmen consolidated case of David Martin et al. 3 025 et al. (now R 448 et al.), which decision was on August 18, 1904 (I.T.D. 6494-1904), affirmed by the Department.

In view of the provisions of the Act of Congress approved April 26, 1906 (Public No. 129) relative to the return to the Cherokee Nation of Cherokee Freedmen, it is respectfully recommended that the motions so far as they relate to the applicants in the Martin case, be denied.

The Department, on September 11, 1905 (I.T.D. 861-1905) and November 18, 1905 (I.T.D. 10044-1905), denied motions for the reopening of this case.

The records of this office further show that

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The Division of the Department to the New England States dated March 1, 1904, regarding, among others, the application for the enrollment of Ellen Loomer D. 1899-1900, which application was referred to the Division of the General Land Office of the Department on August 11, 1904 (L. O. 1904-1905). For the reasons above stated it is recommended that said petition, so far as the same relates to the case of Ellen Loomer, be dismissed.

The decision of the Commission to the New York and Tribes rendered May 14, 1904, regarding the application in the Cherokee Freedom case of Fred Martin et al., D 289 et al., which case included the application of Fred Martin, was on May 14, 1904, forwarded to the Department, where it is now pending. No reason appears for the granting of said petition in far as they relate to the case of Fred Martin, and it is respectfully recommended that the same be denied.

Reference is made to the Department letter of May 2, 1946 (L.L. number, 1 - - - - - 1946), relating to the 32 motions for review made on



Secretary—

ferred to. Proper notations of the filing of these notations have been made upon the records of this office, and the same are returned herewith.

Respectfully,

Through the

Commissioner of Indian Affairs.

E. H. B.

Commissioner

Encl. 3-30

(COPY)

C.R.

DEPARTMENT OF THE INTERIOR, LEB  
WASHINGTON.

L.R.S.

I.T.D. 6404-1904.

6413-1904.

6413- "

6723- "

7797-1904.

12608- "

12609- "

12610- "

November 3, 1906.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

The Department has carefully considered, in connection with the record, motions for reopening the consolidated Cherokee freedom case of David Martin et al., filed September 7, 1906 (I.T.D. 6413, 6723), and June 23, 1906 (I.T.D. 7797), on behalf of Jessie Leoney et al.

The principal applicant, David Martin, a former slave of a Cherokee citizen, from whom he escaped and hunted in the woods of the Indian Territory until the outbreak of the civil war, when he joined the army and afterwards became a resident of the State of Kansas, is not shown to have actually returned and established a permanent bona fide residence in the Cherokee Nation on or before February 11, 1867, as required by section 3 of the act of Congress approved April 24, 1906 (34 Stat., 137).

The Department sees no reason to disturb its decision of August 18, 1904 (I.T.D. 6494), denying the application for the enrollment of any applicant claiming through the said David Martin, as do the moving parties herein. The Department still adheres to its decision of August 18, 1904, adverse to such applicants, and said motion for a reopening and reconsideration is hereby denied.

You will advise moving parties and their attorneys of this action.

The record has this day been returned for the files of the Indian Office.

Respectfully,

(Signed)

E. A. Hitchcock,  
Secretary.

Through the Commissioner  
of Indian Affairs.

7 inclosures.

NOTE IN REPLY TO THE FOLLOWING:

Cherokee Freed.

R-480.

DEPARTMENT OF THE INTERIOR.  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 14, 1906.

Charity Taylor,

Nowata, Indian Territory.

Dear Madam:-

You are hereby advised that motions for rehearing of your Cherokee freedman case, filed by your attorneys September 7, 1905, were denied by the Department November 3, 1906.

Respectfully,

Commissioner.

~~George Fred,~~  
et al.

Mustoge, Indian Territory, November 14, 1906.

Miss A. Bulger,

Attorneys for David Martin and others.

Baxter Springs, Kansas.

Gentlemen:-

You are hereby advised that your motions filed September 7, 1906, and June 22, 1906, for a rehearing in the Cherokee freedom cases of David Martin, et al. and Jessie Leoney, et al., were denied by the Department November 2, 1906.

For your information there is enclosed a copy of the Department's decision.

Respectfully,

Commissioner.

Inc.-2-14-LGG.



Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



Charity Taylor,

~~\_\_\_\_\_~~

29th Nov

Department of the Interior.  
Commission to the Five Civilized Tribes,  
MUSKOGEE, IND. TER.

JR 450



UNCLAIMED



Charity Taylor,

RETURNED TO WRITER.

Department of the Interior.  
Commission to the Five Civilized Tribes,  
MUSKOGEE, IND. TER.

C 72 491

450

General Office

Cherokee Freed

RETURNED TO WRITER.  
UNCLAIMED



Charity Taylor,

~~Nowata, Indian Territory.~~

Department of the Interior

11314  
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Department of the Interior.

Commission to the Five Civilized Tribes,  
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Charity Taylor,

Nowata, Indian Territory.

REGISTERED NUMBER

RETURNED TO WRITER  
UNCLAIMED

APR 26 1904

REGISTERED

MAR

1904

Cher Fr R 451

see Cher Fr R 444 and 828

Cher Fr R 451

RECEIVED  
JUN 5 1961

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TO: [illegible]  
FROM: [illegible]  
SUBJECT: [illegible]

47-17

[Several paragraphs of extremely faint, illegible typed text follow.]

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Department of the Interior,  
Commission to the Five Civilized Tribes,  
Cherokee, I.T., June 3, 1901.

In the matter of the application for the enrollment of Laurens  
Howe and two children as Cherokee Freedmen.

Samuel Perry Howe, being duly sworn and examined by Commis-  
sioner Needles, testified as follows:

- Q What is your name? A Perry Howe.  
Q How old are you? A 23.  
Q What is your next of kin? A None.  
Q What district do you live in? A Goo-wee-soo-wee; I have enrolled  
myself, I want to enroll my family.  
Q Why didn't you enroll your family? A They wasn't there.  
Q Who is it you want to enroll now? A My wife and two children.  
Q What is your wife's name? A Laurens Howe.  
Q How old is she? A She is 23.  
Q How many children? A Two.  
Q What are the names of your children? A Inola.  
Q How old is Inola? A She is 3.  
Q The next child? A Aleck Howe.  
Q How old is Aleck? A He is 9 months old.  
Q Is your wife's name on the roll of 1880? A I don't know, I  
suppose it ought to be.  
Q What is her father's name? A I don't know her father's name,  
I know her mother's name.  
Q What is her mother's name? A Her mother's name is Mary Leck now.  
Q What was your wife's name before you married her? A Laurens  
Peterson.  
Q Was her mother named Peterson? A No, sir, but I think the way  
she enrolled her, Mary Ann Martin.  
Q Who, your wife's mother? A Yes, sir.  
Q Your wife's mother was originally named Martin, was she? A Yes,  
sir.  
Q What was her father's name? A I don't know, her grandfather was  
named David Martin.  
Q Where is your wife? A She is here on the ground with her  
mother and grandfather.  
Q Then your wife's name isn't on the roll of 1880? A I think not.  
Q Did you draw her Kermis-Clifton money? A Yes, sir.  
Q What name did she draw that under? A The same name I suppose,  
Peterson.  
Q Her name was Peterson when you married her? A Yes, sir.  
Q She wasn't married? A No, sir.  
Q How did she get the name of Peterson? A I suppose that is  
her father's name.  
Q You said you didn't know her father's name? A I don't know  
his given name, I wasn't acquainted with him myself.  
The 1880 authenticated roll of Cherokee Freedmen examined and  
the applicant Laurens Howe not identified thereon.  
The 1880 census roll of Cherokee Freedmen examined and the ap-  
plicant Laurens Howe not identified thereon.  
The Kermis-Clifton roll examined and the applicant, Laurens  
Howe, identified thereon, page 170, No. 4122, Goo-wee-soo-wee  
district, as Laurens Martin.  
Q Well, what witnesses have you got here? A Her grandfather knows,  
they are all here.  
Q Is her mother here? A Yes, sir, her mother and her grandfather.  
Q Has her mother been enrolled? A Not that I know of.  
Q Are there any more of these children? A Yes, sir, there is  
two more.

The Wallace roll examined and the applicant Laurens Howe  
identified thereon, page 175, No. 2822, Goo-wee-soo-wee

2.  
Lourena Rowe - 2.

district, as Lourena Patterson.

Q You know how long your wife has lived in the Cherokee Nation?

A She has been here ever since I can recollect.

Q How long can you recollect? A It has been about, I don't know, something along in eighty.

Q Are these two children living at this time? A Yes, sir.

Commissioner: Perry Rowe applies for the enrollment of his wife, Lourena, and two children, Inels and Aleck. Her name does not appear upon the roll of 1880, but she is duly identified on the Kerns-Clifton roll and the Wallace roll. He avers that she is the child of Mary Ann Leak, who is enrolled on doubtful card No. D-495, and reference is made to the testimony taken in the case of Mary Ann Leak, and said testimony will be made part of the record, and a copy thereof will be filed in the case at bar. Satisfactory proof is made as to residence, consequently Lourena Rowe and her two children as enumerated will be listed for enrollment as Cherokee Freedmen on a doubtful card. It will be necessary for him to file satisfactory proof of the birth of said two children. Said Lourena Rowe will be notified of the action of the Commission, when arrived at, by mail.

\*\*\*\*\*

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this the 3rd of June, 1901.

J. A. [Signature]

Commissioner.

VB

D.F. 497

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DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**  
JUN 3 1901



ACTING CHAIRMAN.



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U.S. DEPT. OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS  
WASHINGTON, D.C.

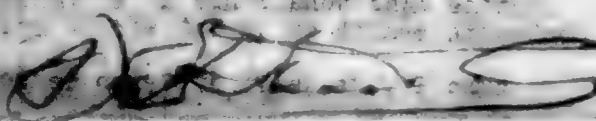
U.S. DEPT. OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS  
WASHINGTON, D.C.

Q. What county did you get in, what town? A. Ottawa.  
Mr. Bell: What year was that? A. I can't tell you nothing about that.

Commissioner: Mary Ann took application for the enrollment of herself. She is not identified upon the authenticated rolls of 1880, but is identified upon the Keweenaw and Wallace rolls, as Mary Ann Martin, that having been her maiden name. She avers that she is the child of David Martin. She will be listed for enrollment as a Cherokee Freedman on a separate card, and will be notified of the decision of the Commission, when arrived at, by mail.

Q. Where was David Martin born, I don't know that either you or I know. A. I don't know.  
Q. You are  
P. Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this 24th of August, 1901.

Bruce C. Jones  


Commissioner.



File with Louisa Rowe, C.D. 10497

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Chelsea, I.T., June 2, 1901.

In the matter of the application of Mary Ann Leak for enrollment as a Cherokee Freedman.

Mary Ann Leak, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A My name is Mary Ann Leak now.
- Q How old are you? A I am 37 years old.
- Q What is your postoffice address? A Nowata.
- Q What district do you live in? A Well, I don't know.
- Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
- Q Who do you want to enroll besides yourself? A I have three children.
- Q Under age? A No, sir.
- Q They are all married? A Yes, sir.
- Q Are you married yourself? A Yes, sir.
- Q Is your husband a citizen? A Yes, sir.
- Q Has he been enrolled? A No, sir.
- Q Why isn't he here to enroll with you? A Yes, sir, he is here.
- Q Do you want to enroll him? A No, sir, he will enroll himself I suppose.
- Q Is your name on the roll of 1880? A No, sir, I guess not.
- Q Is your name on any of the Cherokee rolls? A Yes, sir, it is on the Wallace.
- Q Did you draw what is known as the Kern-Clifton money? A Yes, sir.
- Q Did you draw your Kern-Clifton money under the name of Leak? A No, sir, I wasn't married to him then, I drew under the name of Martin.
- The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.
- The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.
- The Kern-Clifton roll examined and the applicant identified thereon page 170, No. 4195, Cooweescoowee district, as Mary Martin.
- The Wallace roll examined and the applicant identified thereon, page 175, No. 3264, Cooweescoowee district, as Mary Ann Martin.
- Q What is your father's name? A David Martin.
- Q Is he living? A Yes, sir.
- Q What is your mother's name? A Jane Martin.
- Q Is she living? A Yes, sir.
- Q Where were you born? A I can't tell you, you will have to see my father about that, I can't tell you anything about that, I don't know.
- Q Where were you raised? A In the Territory.
- Q In the Cherokee Nation? A Yes, sir.
- Q That the first place you can recollect? A Yes, sir.
- Q Well now, have you got any witnesses as to your citizenship? A My father.
- Q Is he a citizen? A Yes, sir.

DAVID MARTIN, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A David Martin.
- Q How old are you? A I am 24.

Q What is your postoffice? A Coffeyville.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir, I have been.

Q Is your name on the roll of 1880? A No, sir.

Q Do you know Mary Ann Leak? A Yes, sir.

Q What relation is she to you? A My daughter.

Q Is she a Cherokee citizen? A Yes, sir, she has been so recognized.

Q Does she get her citizenship through you? A Yes, sir.

Q Have you been enrolled yet? A No, sir, not this time.

Q What is your owner's name? A My true owner was named John Martin, but I lived with Joe Martin, his uncle, who was his guardian when his father died in an early day and his uncle was the guardian for him.

Q Was he a Cherokee citizen? A Yes, sir.

Q Were you taken out of the Cherokee Nation during the war?

A No, sir, I was in the woods scouting about the breaking out of the war; yes sir, I belonged to him up to the war.

Q Did you remain in the Cherokee Nation during the war? A No, sir, I remained until February, 1861, in the woods, and then I went to Iowa in '61 and stayed there till '63, I married there in '62, and then went in the army and stayed in the army until the fall of '66 and then was discharged and returned back home in October, '66.

Q Have you been living here ever since? A No, sir, I went back to Iowa for my family, I married there and left this girl and my wife there when I went in the army, and went back there and got them and brought them back through in the fall of '66, up in Kansas, and left them there, and I came here and kept my children there until about 26 years ago I guess, then I came back here and I moved my family down here.

Q Well, 26 years ago; you have been living here for the last 26 years? A Yes, sir, most of the time.

Q Where was Mary Leak born? A She was born in Iowa.

Q Where were you married? A Married in Iowa.

Q That was in what year? A In '61.

Q Then you came back yourself to the Cherokee Nation in '66?

A Came back from the army when I was discharged, came here and came on home.

Q You didn't bring your family until 26 years ago? A I brought my family to up to Kansas, up to Ottawa.

Q But you didn't move them back to the Cherokee Nation until 26 years ago? A No, sir, I didn't bring them all back till 26 years ago.

Q Then you didn't live here in the Cherokee Nation absolutely not until 26 years ago? A Yes, sir, pretty near all the time, I was here in '73 and '4 and '5.

Q Well, where was you from '66 until '73? A I was partly in the Nation, I was scouting judge, the truth of it, I was in the woods; that is the reason I didn't bring my family back, they were trying to kill me.

Q Did you occupy any property or get any land or make a home here?

A Yes, sir, I had a home, had hogs and cows here all the time.

Q From '66? A Yes, sir, with my sister, right of that man's (Mr. Bell) house, east of where he lived.

Q Have you any other grown children besides Mary Ann? A I have four children, three girls and one boy.

Q What are their names? A One is named Jessie Looney and the other is named Eliza and the other one is named Willie.

Q Are they here? A Yes, sir, all here.

Q Were they all born in Iowa? A No, sir, there was two born here and one in Kansas; two in Kansas and one here, and the grandchildren were all born here.

-3-  
Q Are there any other facts in relation to your citizenship which you desire to state? A Nothing more than to prove I was here in '66, come through here in '68.

By W. V. Hastings, Cherokee Attorney: You were married in '61? A Yes sir.

Q In Iowa? A Yes, sir.

Q How come you to go to Iowa? A I got in trouble here at home.

Q How long before the war? A Got in trouble in the fall of '59 and winter of '60 and the winter of '60 I went in the woods.

Q The truth of the matter, you run away from here in '58? A No, sir, I was here in '60.

Q Are you sometimes known as Wiley? A That is my name, sir.

Q You belonged to Dick Martin's father? A John Martin's father.

Q Well, what relation was he to R. L. Martin? A Well Dick Martin was R. L. Martin and when Gabe Martin went to California he made Dick the guardian of John.

A Did you belong to Dick Martin? A No, sir, John Martin.

Q Well, Joe Martin had charge of you? A Yes, sir, I was with an orphan child's property.

Q And you ran away in about the year 1858? A No, sir, I ran off the winter of '59 or '60.

Q Winter of '59? A Yes, sir, '58 and '60.

Q Where did you go? A Went in the woods, I was scouting.

Q You went to Iowa? A No, sir, I didn't go to Iowa.

Q You were married in '61? A Yes, sir, I left here '61 when they were trying to catch me.

Q How long had you been acquainted with your wife when you married her? A About four months.

Q What time of the year '61 did you marry her? A Married her July 14, 1861.

Q How long had you been in Iowa when you were married? A About four months, been there about two months before I got acquainted with her.

Q And you were in Iowa when the war came up? A No, I was here in the Nation when the war came up, up in the neutral lands scouting.

Q You were in Iowa four or five months before you married? A No, sir, I wasn't that long, because I married about four months after I got acquainted, and I went there in March in the city where she lived.

Q In March of '61? A Yes, sir.

Q Well, this applicant was born in Iowa? A Yes, sir, born in Iowa.

Q Who came back with you to the Cherokee Nation after the war? A I came back myself, I tell you I come from the army, I come right through here from the army.

Q Where were you discharged? A Discharged at Shreveport, Louisiana, and mustered out at Baton Rouge, and then sent to New Orleans and paid off.

Q Where did you go from there? A Went home, come right up the Mississippi river until I got to a little town at the mouth of the Arkansas, and then I took the Arkansas and ran up to Little Rock, and from Little Rock to Fort Smith, and from Fort Smith to Fort Gibson and there I took the military wagon and come from there home, went on from there to Kansas and when I come through here there wasn't anybody here.

Q Not anybody here? A Some few in Gibson.

Q Who did you see at Gibson? A Didn't know anybody but Irvin Vann and saw Jim Alberty after I got up on the prairie.

Q What prairie? A On the military road right along from Gibson to Fort Scott.

Q Did you know him before the war? A Yes sir.

Q Did you stop and have any talk with him? A I stopped and had a talk with him, and we camped by his house.

Q Where was Jim living? A Close to Miss Alberty's place.

Q What was that? A In '66.

Q What time in '66? A October, '66.

Q Then where did you go? A I went from there on to Leavenworth and from Leavenworth --

Q You went right on through this country to Leavenworth? A Yes, sir, and stopped a while, I stayed around there three or four days until I could get a government wagon for home.

Q You went to Fort Leavenworth then? A Yes, sir.

Q How long did you stay there? A I didn't stay there any longer than till I could get a steamboat to go up the river.

Q To Iowa? A Yes, sir.

Q You found your family up there? A Yes, sir, found my wife and child.

Q Well, I believe you stated you brought them down to Kansas?

A Yes, sir.

Q Now how long did your wife live there in Kansas? A Well I don't know, she was there two years she was under the doctor, they couldn't move her any way, had to lift her around in quilts; kept her there under a doctor two years and maybe two and a half, until they could get her cured, had to send back to Ohio to get a doctor to cure her.

Q Well, where did you first permanently locate in the Cherokee Nation? A I permanently located first, I took my claim right side of my sister's on Grand River close to my old home.

Q How far to the south of Cabin Creek? A Yes, sir, above the mouth of Cabin Creek.

Q How far? A About three miles, or four.

Q When did you take that claim? A I took that claim in '73.

Q Did you live on it then? A Yes, sir, I improved it, put up some logs and a foundation on it.

Q Brought your family down then? A I went back and got them after I put the claim in.

Q Is that the first time you had ever come to Cabin Creek after the war? A No, sir, I traveled right through Cabin Creek as I was going home.

Q You testified five years ago that you came and located near the mouth of Cabin Creek in '66? A No I didn't.

Q You deny that now? A Why I sure deny it, I told you plain, you know I did.

Q Where did you have your cows? A Had them at sister Betty's.

Q When did you put them down there? A Put them down there, I don't recollect.

Q In 1873? A No, I put them there before '73; I put them there in '72 or '71; I was down there all them years.

Q But your wife and your children, your family, was in Kansas?

A Yes, sir, I left them up in Kansas.

Q How far did you locate from where Mr. Bell lives? A About three miles I reckon, or four miles.

Q How old is your second child, the next one to this applicant?

A I don't know, she is five or six years younger than this one; six or seven; my wife was sick all the time until I --

Q Just the exact age? A I don't know just exactly the age.

Q How how old is the third child? A She is about 25 I guess.

Q She born in Kansas? A Yes, sir, born in Kansas.

Q Did you work for Frank Combs in the year 1866? A I and Reek Burdett and Ben Sanders, my brother Spence, come down in '66 in the winter, in January, '66, and chopped some wood for Lewis Bell, and I went back in March, '67; in '67 we come down, January, '67 is what I told you we did, we come down January, '67, and chopped wood for Lewis Bell and went back home where my family was in March, '67.



Q Mr. Bell lived there then? A Yes, sir, he was living there.  
Q You are certain of that? A Yes, sir, I know it.  
Q Well, he never came there till May, 1867; I am just telling you that. A Well he was living there in the Nation, I don't know whether he was living at his house or not.

JIM ALBERTY, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Jim Alberty.  
Q How old are you? A 70 years old.  
Q What is your postoffice? A Chautauk.  
Q Do you know Mary Ann Leak the applicant here; used to be Mary Ann Martin, or Mary Ann Peterken? A I don't know her by that name.  
Q Do you know Dave Martin? A Yes, sir.  
Q How long have you known him? A Ever since we were both boys.  
Q Was he a slave? A Yes, sir.  
Q Who did he belong to? A Old Joe Martin.  
Q Was he a Cherokee? A Yes, sir.  
Q Well, when was the first time you saw Dave Martin after the war between the North and South? A At my house.  
Q When? A In 1866.  
Q What time in '66? A Well, I don't know for certain; it might not have been in the fall.  
Q Was he married then? A Didn't have no woman there.  
Q How long have you known him since that; have you known him since that? A Ever since that.  
Q Has he lived in the Cherokee Nation continuously since that time? A Everywhere I saw him it was in the Nation, never saw him out.  
Mr. Hastings: Jim, you know he hasn't been living here? A I don't know anything about that, I tell you he come to my house in '66, he come to my house and I went with him to where an old white man sold whiskey and got me a lot of whiskey and come back; I don't know where he went from that.  
Q You haven't seen him for a long time? A It might have been a year after that, before I saw him; I wasn't particular.  
Q Where did the white man live that you got the whiskey from? A Lived right there the other side of Russell Creek.  
Q Went all the way up there? A Yes, sir; he said he was going for his family.  
Q Was he on horse back too? A Yes, sir.  
Q But he testified that he came in the government wagons? A Well he did after he got up there I guess; I don't know about that.  
Q Well, at Fort Gibson? A I don't know; that is at home.  
Q Where were you living? A You know where the old place that old Baugh owns that you call the Nancy Markham place; I was living right there, it was my house.  
Q Do you know the time of the year? A It was in the fall as well as I recollect, fall or summer.  
Q Was that the only time you saw him in '66? A I don't know but what it was.  
Q Well, you have been thinking over the matter? A No, I have never thought over the matter.  
Q You knew you were going to be a witness for him? A I guess I am now, when they called me; I don't have to hear what any man says when I come to tell what I know.  
Q You testified for him five years ago? A Yes, sir.  
Q You testified then you knew he was working for Frank Conshine? A No I didn't.



Q Do you deny that now? A Yes, sir, I was working for Frank Consine.

Q At the time you saw him? A Not exactly at the time but I had been working for Frank and Henry Rider was working for me on this place.

Q Do you know where Dave's family was when you saw him? A No, I didn't know anything about his family, I didn't know he had one at that time; Frank told me himself, I was at his house at that time.

Q How do you know? A I heard him.

Q You were sitting right there? A I was sitting where you had me.

Q When did you see his family first? A It was a year or more after I saw him here, that is at my house.

Q Do you think you saw his family here within a year? A Well, it might have been, of course I didn't keep any record of it, I never thought about him until I seen him.

Q I want you to say now how long after you saw him until you saw his family? A Maybe a year or more.

Q How much more? A I don't know.

Q You think it has been as much as six or eight years? A I can't say that because I don't know.

Q You applied for enrollment yourself at Vinita? A Yes, sir, I did.

Q You are the man that Mr. Lindsey testified was sold out of here before the war? A Yes, sir, he did, and didn't testify the truth either.

Q But you joined the army at Little Rock? A Yes, sir.

Q Mr. Lindsey said you were sold out down below Little Rock? A Old Lindsey don't know any more about me than a rabbit.

Q You have been pretty near all over the Cherokee Nation in '66?

A Yes, sir, I was pretty near all over it, every place I could get whiskey to sell I went there, that is how come I was all over it.

Q What year is this? A Well I can't tell you that.

Q You don't know one year from another, do you? A No, nobody has never told me what year this is.

Q Yet you remember what happened 35 years ago? A People that has sense, knows the dates, and told me of that.

Q But they never told you a year since that? A No, sir, never asked nothing about it, because I didn't care, never had a thought nothing about the dates or anything else since; it was told me and I was satisfied I was inside of the treaty and I noticed everybody else I seen was inside until that year was out, then I never kept no record since because I thought them came home after that was out, and I didn't pay no attention to them.

Q Where did you first see this family, at what point? A I can't tell you that, I don't know that.

Q You don't know then where you saw his family? A No, sir, I don't know, I don't recollect.

Q And you don't know how many years? A No sir, I don't.

Q Do you know when you first next saw Dave? A No, I don't know as I can place where I next saw him; the way I recollect him now I went with him.

MARY ANN LEAK, recalled, testified:

Commissioner: Have you any children? A Yes, sir.

Q How many? A Three.

Q They're all married, are they? A Yes, sir.

Mr. Hastings: Where were you married first? A I was married, I can't tell you the place, it was in the states though, the first time I married.

Q Iowa or Kansas? A It was in Kansas.

Q What was your first husband's name? A Peterson.

Q Were you living with your mother at the time you married?  
A Yes, sir.

Q What was the date of your marriage? A I can't tell you about that.

Q About how old were you? A I can't tell you that either.

Q I mean when you married? A Well I don't know exactly myself, father can tell you.

DAVID MARTIN, recalled, testified:

Mr. Hastings: About how old was your daughter when she married first? AS MUCH AS 18 OR 20? A She was 18 I think.

MARY ANN DEAK, recalled, testified:

Mr. Hastings: Were you married but the one time? A I have been married the third time.

Q What is your oldest child's name? A Lourena.

Q Where was Lourena born? A She was born, I don't recollect that either now, you will have to ask father that question.

Q You are the mother of that child? A Yes, sir, I am her mother, but I don't know what year she was born or where we were living at.

Q Born in Kansas? A We were living in Kansas when she was born.

Q What is your next child's name? A Charity.

Q Was she born in the Territory? A Yes, sir.

Q Where? A Up there away up above where we first lived, I don't know where at.

Q That is when you first came into the Territory? A Yes, sir.

Q Now how old is the second child? A I don't know that either, I never kept no account of nothing of the dates, my father attended to that.

Q Did you come in when your mother came? A Yes, sir, I came with my father and mother.

Commissioner: What was your first husband's name? A Peterson.

Q What was your second husband's name? A King.

Q Is he living? A I don't know, sir, whether he is or not.

Q Your first husband? A I don't know that either.

Q Were you divorced from both of them? A Yes, sir.

Mr. Hastings: Where were you married to King, your second husband? A Down here at Lightning Creek at Campbell's office.

Q Where were you divorced from Peterson? A In the states.

Q Kansas? A Yes, sir, where I married him.

Q Who was the father of the second child? A Peterson; I have no children by any man except my first husband.

Q Those three children must have been born in Kansas? A No, sir, wasn't all born in Kansas.

Q You got a divorce from him in Kansas? A Yes, sir.

Q Did you go back to Kansas after you came back here? A Yes, sir.

Q How long had you lived here when you returned to Kansas? A When I went back, I didn't exactly know.

Q A month? A I guess must be longer than that.

Q Well, from your best judgment? A Well, I can't tell you, my father will have to tell you about that because me being quite young, I never paid no attention to nothing of that kind.

Q You can state whether you stayed here longer than a month when you first came down here, before you went back? A Yes, sir, I guess something over a year before I went up.

Q How long did you live in Kansas when you went back? A I wasn't living in Kansas, I just went there merely on a visit, and came back.

Q You got a divorce up there? A Yes, sir, but I didn't have to stay there long to get it.

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COMMISSION TO THE FIVE CIVILIZED TRIBES  
DEPARTMENT OF THE INTERIOR

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What county did you get it in, what town? A Ottawa.  
Mr. Bell: What year was that? A I can't tell you nothing  
about that.

Commissioner: Mary Ann Leak applies for the enrollment  
of herself. She is not identified upon the authenticated  
roll of 1860, but is identified upon the Kays-Clifton and  
Wallace rolls, as Mary Ann Martin, that having been her  
maiden name. She swears that she is the child of David Martin.  
She will be listed for enrollment as a Cherokee Freedman  
on a doubtful card, and will be notified of the decision of  
the Commission, when arrived at, by mail.

\*\*\*\*\*

Bruce C. Jones, being duly sworn, says that as stenographer to  
the Commission to the Five Civilized Tribes he correctly recorded the  
proceedings and testimony in the above case, and the foregoing is a  
true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 24th of August, 1801.



Commissioner.

180477  
INDIAN TERRITORY,  
CHEROKEE NATION.

I hereby certify that I served the within  
notice on \_\_\_\_\_  
by delivering a true copy thereof on the  
\_\_\_\_\_ day of \_\_\_\_\_ A. D. 1901

Given under my hand this \_\_\_\_\_  
day of \_\_\_\_\_ A. D. 1901.

Marshal for the Cherokee Nation.

I, the undersigned attorney for the  
within named applicant hereby accept  
service of the within notice on this the  
\_\_\_\_\_ day of \_\_\_\_\_, 1901.

Attorney for applicant.


UNITED STATES OF AMERICA, }  
INDIAN TERRITORY, } s. s.  
NORTHERN DISTRICT.

I do solemnly swear that I delivered a  
true copy of the within notice to \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_ A. D. 1901

Subscribed and sworn to before me  
this \_\_\_\_\_ day of \_\_\_\_\_ A. D. 1901.

DEPARTMENT OF THE INTERIOR,  
~~COMMISSION TO THE FIVE CIVILIZED TRIBES.~~

FILED  
SEP 23 1901

  
ACTING CLERK

# NOTICE

IN THE MATTER OF the application of Laurena Rowe  
for enrollment as a Cherokee citizen:

Case No. D. 497

To Laurena Rowe Vann I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Wata, Indian Territory, Indian Territory, on Oct. 7th at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 17 1901

L. B. Bell.  
W. J. Hastings  
Attorneys for the Cherokee Nation.



# AFFIDAVIT.

UNITED STATES OF AMERICA, }  
INDIAN TERRITORY, } ss  
NORTHERN DISTRICT.

In the matter of the application of Laurena  
Ross for enrollment as a Cherokee Freedman.

No. F. D. 497

Henry Pack, of lawful age, being duly sworn on  
oath states that on the 18 day of September, A. D., 1901, he registered  
to Laurena Ross whose postoffice is Wann

Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto  
attaches the receipt of the Postmaster at Fort Gibson Indian Territory;  
and that on the 23 day of September, 1901, he received the return  
card which is hereto attached, signed by the said Laurena Ross, showing  
that he had received said notice.

Henry Pack  
Subscribed and sworn to before me on this the 23 day of Sept. A. D. 1901.

J. C. Starr  
Notary Public.

MY COMMISSION EXPIRES  
MAY 26th, 1902.

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it was in '72 '73. [unclear] and that their records would show the dates. He said "the records will show the date I commenced that. I was afraid of bringing my family from Kansas to the Nation" But as to what year in the '80's I don't know - I don't know if he stated exactly the year.

(By the Commission)

Q Do you know whether Dave Martin ever voted in Ottawa? A I don't know to that I can't say, I was too young to mix in politics then. I was within the last fifteen years I could tell you.

Q From the time he arrived with his family in Ottawa until he was that many some six years afterwards, did you know him as a resident of Ottawa? A Yes sir, as steady and consistent residents of Ottawa? A Yes sir.

Q Was he living there as a man who came there from time to time or as any other regular resident? A As a man who lived there continuously.

Q Did you ever miss him for any length of time? A No sir.

(By Smith)

Q Did he have any children at that time? A I don't know whether he had any children in the first place, he had one or two born there.

Q The children he had born there when he left there were small children - were they not? A Yes sir, small children.

(Smith Ewing re-called and examined by the Commission)

Q Do you know whether David Martin ever voted in Ottawa? A I don't know whether he did or not.

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This will be cited in Supplemental testimony in the case of Martin et al., C. F. D. #488, and also in C. F. D. #489, #490, #491, and #492.

In with case of Lourena Rowe et al.  
C.F.D. 497

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Wichita, I. T. October, 2d 1901.

SUPPLEMENTAL TESTIMONY in the case of David Martin et al., C.F.D. #406.

W. W. Hastings, attorney for the Cherokee Nation.  
Mellette & Smith attorneys for the applicants. (Applicant present)

SMITH DWING, being first duly sworn by Commissioner C. R. Breckinridge, testified as follows on the part of the Cherokee Nation:

- Q What is your name? A Smith Dwing.  
Q Have you any middle name? A No sir.  
Q How old are you? A Going on 41.  
Q What is your post office? A Ottawa.  
Q In Kansas? A Yes sir.  
( By W. W. Hastings )  
Q You live in Ottawa, Kansas? A Yes sir.  
Q How long have you been living at Ottawa? A I came there in 1867.  
Q Where did you move from? A I moved from Ohio City, a little place eight miles south of Ottawa.  
Q How long had you lived within eight miles south of Ottawa before '67?  
A I came there in '55.  
Q Have you been living in Ottawa since '67? A Yes sir.  
Q Do you know this colored man, David Martin that you see here? A I do.  
Q When did you first become acquainted with him? A '66, first time I ever recollect of ever seeing him.  
Q Where did you see him? A In Ottawa.  
Q Do you know his wife? A I do.  
Q What is her name? A Jane.  
Q When did you meet his wife to know her? A In 1867 aft-r I got acquainted with brother Martin.  
Q Where did you get acquainted with his wife? A In Ottawa.  
Q Did they have any children? A They did.  
Q Name some of them if you remember? A Mary Ann.  
Q Recollect any of the rest of them? A I can't swear to what the children's names were only Mary Ann.  
Q Do you know whether Mary Ann was married? A Yes sir she was married.  
Q Who to? A Man named Peterson.  
Q Do you know where Martin's wife was in '66 when you knew him and before you knew her? A I don't.  
Q Did he or she ever tell you where she was? A Never did, neither one of them didn't telling.  
Q You don't know where she came from when she came to Ottawa? A No sir I don't know personally from her.  
Q Or from him either? A No sir I don't think he or she either ever told me.  
Q Well, what was Dave Martin and his wife doing when you knew them in Ottawa? A I don't know.  
Q Were they living there? A Just living there as any other citizens I don't know as they had any particular trade.  
Q How long did you know them up there, living there in Ottawa? A I don't know some six or eight years; I don't know how long exactly, never kept no track of it.  
Q Some six or eight years? A Yes sir, that long or maybe longer; he was a member of our church and a prominent man there.  
Q What time in '66 do you think you saw him first? A First of August, I believe it was or September, I don't know which; we used to have a day we celebrated.  
Q It was then in the summer of '66? A Yes sir.

Q You live now in Ottawa Kansas? A Yes sir.

( By Mr. Smith )

Q Where were you when the war commenced? A In Lafayetteville, Arkansas

Where did you go during the war? A I went several places.

Did you go out of the State of Arkansas? A Yes sir.

Where to? A Missouri.

Where were you when the war closed? A In Kansas

Where were you when you were freed? A When I was declared freed?

Yes. A In Arkansas

When was that? In '62, February, no it was in '63 when I received a message from my Captain that I was free.

Do you know what time in '63? A Long in January.

Do you know what time in January? A I don't know, I didn't care about the time all I cared was about the freedom.

What time did you go to Kansas? A Spring of '63, April.

Did you know David Martin before the war? A No sir.

When did you first get acquainted with him? A '66

What time in '66? A August or September, we was at the celebration.

Where were you in '66? A I was in Pottawatomie

In Kansas? A Yes sir.

Where were you in '68, in Kansas? A Did I say '65.

Yes? A Well I was in Ohio City in '65.

Where were you in '67? A In Ottawa.

Have you lived there ever since? A Yes sir.

When did you say that Dave Martin lived there in Ottawa? A '66, I saw him there -- It has all been so long I don't exactly remember it all, I never kept no track of it.

You never knew nothing of him until you saw him at that celebration in '66? A No sir.

You don't know what date that was? A No sir, my recollection is growing very short, I don't know if it was August or September.

Do you know if it was either one of those months? A Yes sir.

Might it not have been as late as October? A No sir it wasn't October.

Are you sure that celebration was in '66? A Yes sir I am sure of that. What makes you sure of it? A Because I know what year it was, I know from the time I come to Kansas, I know just when I come ~~from~~ to Kansas.

When did you come there? A 1863

What month? A April

How long had you been there when this celebration come up? A I lived in Linn County in '63, in Franklin in '64, and in '65 I lived in Franklin -- hold on there, let me see whether this celebration was in '65 or not -- '65, that is right.

Then as a matter of fact it was in '65? A Yes sir.

Who spoke up there? A There was no speaking there was ~~stuttering~~ let's see there was Fuller Carter and Alice Gray and --

Have a man named Ransom that made a speech? A I don't know, there was so many and I never kept no track, it has been so long.

Now that celebration was in '67 wasn't it? A No sir it wasn't, not the first celebration we had.

I am talking about the one at which you met David Martin? A No sir

You think it was in '65 do you? A Yes sir I recall it very well not since you have brought it to my mind.

Do you know where David Martin was in '66? A I don't know, only I ~~seen~~ saw him in Ottawa, but I don't know where he was all the time. he is in and out, he is like a fish a fluttering and a jumping, just like a fish out of water, and he flutter and jump so much I can't tell where he was.

Then you are mistaken in saying that it was in '66 that you saw him first? A Yes sir I made a mistake there.

Can you state positively that you saw him at all in '66? A Of

course I can.

Q Where did you see him? A Saeed him in Ottawa.

Q But you don't know where he was all the time? A Just like I did other citizens, some days I used him and some days I didn't.

Q How long did you continue to see him there? A Saeed him frequently for 6, 7 or 8 years, I don't know exactly how long.

Q Where were you living in '68? A I was living down to Ohio City, south of Ottawa.

Q How far from Ottawa? A Eight miles.

Q You were not living in Ottawa then? A My home wasn't there I worked in Ottawa I was working a team there.

Q Did you team in Ottawa in '68? A Yes sir.

Q How much of the time? A I teamed there all fall and winter, that was my occupation.

Q But your home was in Ohio City? A Yes sir.

( By the Commission )

Q You say you got acquainted with Dave Martin's wife Jane along about '67? A Yes sir after I moved to town.

Q When did you move to Ottawa? A In '67.

Q And you have made it your home ever since? A Yes sir.

Q Now according to Dave Martin's account and according to your own account he took his family away from there about '74? A (No response.)

Q Were you acquainted with his family from '67 to '74, 6 or 8 years? A Yes sir.

Q What were you doing in Ottawa during that time? A I was living there and my occupation was quarrying and hauling stone.

Q Did you belong to the same church as Dave Martin? A I did.

Q You say he was a prominent man in the church there? A Yes sir.

Q Was he living there with his family all the time for that six or seven years? A Yes sir.

Q Did you meet him regularly at church during that time? A Yes sir.

Q You don't remember his being away from there for any considerable length of time during that time? A He was away in and out.

Q Did he seem to be a man that was making that his home with his family? A That was his home, he told us though that he belonged in the Nation.

Q Was he living there pretty much of the time with his family? A Yes sir.

Q What business did he follow? A Anything he could get to do, well digging and anything he could make any money at, anything he could get to do like the rest of us poor fellows.

Q Did you ever miss him from church any great length of time? A Yes sir I have missed him considerable from church.

Q How much of the time? A I never kept track.

Q Did he impress you as a man that would stay away from his family for a long period of time? A Not a great long period of time.

( By Hastings )

Q Mr. Ewing, what the Commission wants to know is whether or not you saw Dave Martin at regular intervals and frequent intervals for the six or eight years that you say you saw him living there like any other man of that town? A Yes sir, saw him just like any other man there.

( By Smith )

Q Do you know whether in '72 Martin's wife joined the church up there? A No I don't recollect anything about her joining the church.

Q Didn't your brother and this man's wife get religion at the same time up there in '72? I don't know your brother? A Yes sir.

Q Don't you recollect him and Jane Martin getting religion about the same time? A I recollect of my brother getting religion but I thought sister Martin had religion long before that; I recollect the revival there very well.

Q What was it? A It has been so long I am not positive as to the time, it was before we built our new church.

Q Did you know whether if at that time Dave Martin was away from that



place and here in the Nation? A I think he was.

Q Can you tell us when that was? A The church was founded in 1887--I guess 1886, it has been so plagued long my mind is so forgetful.

Q Then you don't know? A I won't swear when it was.

( By the Commission )

Q Did you visit frequently at Dave Martin's house? A Yes sir.

Q Do you remember how many children he had in Kansas? A No sir. I don't remember.

HORACE B. PARAMORE, called and sworn as a witness by Commissioner C. R. Breckinridge, testified as follows: ( On the part of the Cherokee Nation )

Q What is your name? A Horace B. Paramore.

Q How old are you? A 43.

Q Where do you live? A Ottawa, Kansas.

Q That is your post office is it? A Yes sir.

( By Hastings )

Q What is your occupation? A My business is physical and surgeon, but I haven't been doing that for some little time.

Q How long have you lived in Ottawa? A Since the 28th day of March 1885.

Q You were quite small when you came there? A Yes sir, landed there on my 21st birthday.

Q Do you know this colored applicant for citizenship, David Martin? A Yes sir.

Q Where did you first know him? A At Ottawa.

Q Do you know his wife? A I used to know her, I don't know if I would if I saw her now or not.

Q He had a wife, did he? A Yes sir.

Q Where did you first know this colored man Dave Martin? A I think I got acquainted with him when he first came there, there were only a few people white or black at that time.

Q When was that? A Fall of '68.

Q How large a place was Ottawa at that time? A I don't think more than sixty or seventy-five perhaps one hundred people.

Q New town? A Yes sir.

Q You have continued to reside there ever since that time up to now? A Yes sir.

Q How long did you know Dave Martin and his family to reside there from when you first knew them, on up? A They resided there several years, as to the exact number of years I can't say, I don't know exactly when they left there.

Q You know they resided there a number of years? A Yes sir.

Q Did you see Dave Martin frequently? A Yes sir.

Q What is your best judgment as to the length of time that you saw he and his family there? A Well I should say that they lived there at least 10 or 12 years and probably more, that is the best of my judgment, 10 or 12 years at the least calculation.

Q Did you see him there as you would any other resident of the town? A Yes sir.

Q Do you remember his wife's name, or did you know that? A I can't say for certain that I do.

Q Do you know of his having children? A Yes sir.

Q Did you see them there? A Yes sir.

Q Do you remember any of their names? A Well, I can't swear they I do.

Q You know that he had children though? A Yes sir and I probably know them at the time.

( By Mr. Smith )

Q What are your initials? A H. B.

Q What business are you engaged in now? A At present I am not doing

anything for the past eight years; I loan some money and look after my property.

Q Your business is that of a physician and surgeon? A Yes sir.

Q You say you were only six years old when you went to Ottawa? A Yes sir.

Q You don't know the time positively that Martin came to Ottawa? A The exact dates?

Q You don't know the exact year? A I think it was early in the fall or late in the summer of '66.

Q Do you state that positively or not? A I do.

Q That it was in '66? A Yes sir.

Q How do you fix that date? A By conversations I have had with my folks at home, with old citizens there and with a conversation I had with Mr. Martin in Parsons on yesterday.

Q Do you fix it with conversations you had with him or with others? A With all of them together, all agree in regard to the date.

Q You are not testifying then as to your independent recollection as to the time? A I recollect him as one of the first colored men in Ottawa.

Q Can you testify as of your own independent recollection that he came there in '66? A You have my answers which are the best that I can give you.

Q Can't you answer that yes or no? A I say yes.

Q Then you can recollect this without reference to anything that anybody told you, that it was '66 that he came there? A Yes sir.

Q And remember that it wasn't the fall? A I said it was either late in the summer or early in the fall.

Q If you remember it yourself and can state it from your independent recollection, why do you state anything in regard to conversations had with other people? A In the first place I wanted to be sure and when these other folks agreed with me in regard to the time I said so. After I was subpoenaed down here I talked the matter over with the people who were there, as I wanted to be sure about it. In 1865 there were no colored people in Ottawa at all and in 1866 there was four families I think moved into Ottawa and Mr. Martin was one of these families.

Q Do you remember that in the year 1865 there were no colored people in Ottawa, or is that what you have been told? A I remember it because there were only two or three families of whites there then, and no colored people at all.

Q You went there yourself in '65? A Yes sir.

Q You were then six years old? A Yes sir.

Q Do you claim that you remembered the change of the year, the ending of '65 and the beginning of '66 at that age, and that in the one year there were no colored people there and in the next year there were four families of them moved in? A Yes sir, I remember their coming there because where I come from there were no colored people.

Q Where did you live before you came to Kansas? A Ohio.

Q Might it not have been '67 instead of '66? A It might have been but I don't think it was.

( By Hastings )

Q You say you had a conversation with Martin which refreshed your memory? A Yes sir he had a conversation with me; he met me in Parsons and asked me --no, I told him I was coming down here to testify for the Nation, and we got to discussing when he came there and he said " In the first place I came there in August of '66 " and then he said " Hold on, it was October of '66 "

( By Smith )

Q What did Mr. Martin say in his conversation, if anything in regard to the length of time he staid there at that time? A Well he stated that the Cherokee Nation knew that he commenced suit against them somewhere along in the 70's, I don't remember what time in '70, whether

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it was in '70, '72, '74 or '6, and that their records would show the dates. He said "the records will show the date I commenced that suit. I was afraid o bring my family from Kansas to the Nation". But as to what year in the '80's I don't know - I don't know if he stated exactly the year.

( By the Commission )

Q Do you know whether Dave Martin ever voted in Ottawa? A. as to that I can't say, I was too young to mix in politics then, if it was within the last fifteen years I could tell you.

Q From the time he arrived with his family in Ottawa until he took them away some six years afterwards, did you know him and his family as steady and consistent residents of Ottawa? A. Yes sir.

Q Was he living there as a man who came there from time to time or as any other regular resident? A. As a man who lived there continuously.

Q Did you ever miss him for any length of time? A. No sir.

( By Smith )

Q Did he have any children at that time? A. I don't know whether he had any children in the first place, he had one or two born there.

Q The children he had born there when he left there were small children were they not? A. Yes sir, small children.

( Smith Ewing re-called and examined by the Commission )

Q Do you know whether David Martin ever voted up in Ottawa? A. No I don't know whether he did or not.

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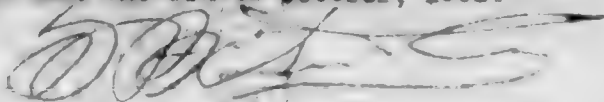
This will be filed as supplemental testimony in the case of David Martin et al., C. F. D. #483, and also in C. F. D. #485, #497, #487, #488, #489, #490, #491, and #501.

\*\*\*\*\*


Chas. von Weise, being first duly sworn, states that as stenographer to the Commission to the Five Civilised Tribes he reported in full, all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein

Chas. von Weise

Subscribed and sworn to before me this the 3rd of October, 1901.



Commissioner.



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File with Laurens Rowe C. F. D. 497.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I. T. October, 10th 1901.

In the matter of the application of Thomas Archer, C. F. D. 491.

Appearances:

James S. Davenport for the Cherokee Nation  
Kellette & Smith for the applicant:

CLEM V. ROGERS, being first duly sworn by Com'r T. H. Needles,  
testified as follows on the part of the Cherokee Nation:

(By Davenport.)

Q What is your name? A Clem V. Rogers.

Q Where do you live? A Claremore.

Q What is your age? A 63.

Q How long have you lived in the Cherokee Nation? A All my life  
except during the war.

Q Do you know the applicant Thomas Archer? A Yes sir.

Q How long have you known him? A Since '80.

Q Where was he when you first saw him to know him? A Jewesscoowee  
district.

Q Where were you in '87? A Fort Gibson.

Q Did you have anything to do with the Roger's Salt Works on Grand  
river in '87? A No sir.

Q Did you go there yourself or with anyone else in '87 and take them  
away from Thomas Archer or any other person? A No sir, in '87 I was  
freighting.

Q Did you ever drive him or any one else away from them? A No sir.

(By Mr. Smith.)

Q There are several gentlemen that are Cherokee citizens by your name  
are there not? A Yes sir.

Q It is a right prominent name in the history of the Cherokee Nation?  
A Yes sir.

Q If Thomas Archer testified that you took the salt works away from  
him he was mistaken about that? A Yes sir.

Q You don't know when he came back? A No sir.

Q Did you know him before the war? A I don't know that I did.

(By Davenport.)

Q There was only one Clem Rogers in the Cherokee Nation in '87 that  
was a grown man? A I didn't know of any other at that time, there  
is several now.

=====

This will be filed in Cherokee Freedman cases, D-901; D-1002; D-487;  
D-491; D-486; D-484; D-488; D-489; D-490; D-491; D-828; D-950; D-564;  
and L-562.

\*\*\*\*\*

Chas. von Walze, being first duly sworn, states that as stenographer  
to the Commission to the Five Civilized Tribes he reported in full  
all the proceedings in the above cause and that the foregoing is  
a full, true and correct transcript of his stenographic notes therein

Subscribed and sworn to before me this the 17th of October 1901.

*Chas. von Walze*  
Notary Public.



Department of the Interior  
Commission to the Five Civilized Tribes  
Wichita, Kan. October, 1901.

Exhibit A testimony in the matter of the application of  
Maudie C. P. R. 489.

Exhibit B. Affidavit of the Secretary of the  
Commission to the Five Civilized Tribes.

Exhibit C. Affidavit of the Secretary of the  
Commission to the Five Civilized Tribes.

Exhibit D. Affidavit of the Secretary of the  
Commission to the Five Civilized Tribes.

Exhibit E. Affidavit of the Secretary of the  
Commission to the Five Civilized Tribes.

Exhibit F. Affidavit of the Secretary of the  
Commission to the Five Civilized Tribes.

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CONFIDENTIAL  
EXHIBIT  
NO. 1

Department of the Interior  
Commission to the Five Civilized Tribes,  
Vinita, I. T. October, 23rd, 1901.

Supplemental testimony in the matter of the application of David Martin C. F. D. 485.

Appearances.

James S. Davenport for the Cherokee Nation.  
Mellotte & Smith for the applicants.

H. B. HARFORD being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation:

( By Davenport )

Q What is your name? A H. B. Harford.

Q Where do you live? A Ottawa, Franklin County, Kansas.

Q How old are you? A 44.

Q How long have you lived in Ottawa, Kansas? Since 1865.

Q Since you have been living in Ottawa, Kansas, did you become acquainted with a colored man named David Martin? A Yes sir.

Q When did you become acquainted with him? A In the summer of '67.

Q Have you seen the gentleman since you came down here? A Yes sir I met him on the street.

Q How long after you became acquainted with him did David Martin reside at Ottawa or near there, or about how long? A David Martin lived at Ottawa and left there about 21 years ago, 20 or 21 years ago, and from the time he was there he was there off and on all the time, I missed him for a while and saw him for a while, he would be gone a good deal, where he was I of course don't know.

Q Did he have a family there? A Yes sir.

Q You say you met him this morning? A Yes sir.

Q Did you recognize him as the David Martin that you knew up there?

A Yes sir, I did.

Q Did he recognize you? A He didn't for a while, after he studied he finally made up his mind who I was.

( By Smith )

Q What time did you first know David Martin? A To the best of my knowledge it was in '67; I got acquainted with David Martin when I had been there a couple of years.

Q How old were you then? A I guess I was about 11 years old.

Q How old was David Martin then? A I don't know.

Q Was he a man? A Yes, sir he was a man grown when he came there.

Q You are not sure as to the year you met him in? A I can't positively swear as to the year, I know he came there about a year and a half or two years after I came.

Q That is as long as you can remember after that length of time? A Yes sir.

Q You say he was there part of the time and the other part of the time you missed him? A Yes sir, probably I would see David Martin every couple of months or so.

Q You didn't see his family? A Yes sir.

Q Where? A In Ottawa there, I knew one of his daughters, the oldest one.

This will be filed in the original case and also in C. F. D. 485 and the sub-references thereto.

Chas. von Weise, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cases and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 24th of October, 1901.

*Chas. von Weise*  
Commissioner.

F.P.T.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of David Martin et al.,  
for enrollment as Cherokee Freedmen, consolidating the applications  
of

|                         |                         |
|-------------------------|-------------------------|
| David Martin et al      | Cherokee Freedmen D 486 |
| Mary A. Look            | Cherokee Freedmen D 486 |
| Jessie Looney et al     | Cherokee Freedmen D 487 |
| Elisa Manual            | Cherokee Freedmen D 488 |
| William H. Martin et al | Cherokee Freedmen D 489 |
| Fred Petersen et al     | Cherokee Freedmen D 490 |
| Leurena Rowe et al      | Cherokee Freedmen D 491 |
| Charity Taylor          | Cherokee Freedmen D 491 |

DECISION.

The record herein shows that applications for enrollment, as Cherokee Freedmen, were made to this Commission by David Martin for himself; by Mary A. Look for herself; by Jessie Looney for herself and her minor children, Clarence, William, Julia, Georgia F. and Wayne Looney; that subsequent to the date of her original application a birth affidavit, which is made a part of the record herein, was filed with this Commission showing the birth of her child, Jettie Looney, on August 25, 1902; by Elisa Manual for herself; by William H. Martin for himself and his minor children, Captela, Amanda and Charles A. Martin; that subsequent to the date of his original application a birth affidavit, which is made a part of the record herein, was filed with this Commission showing the birth of his child, Bunk Roscoe Martin, on November 16, 1901; by Fred Petersen for himself and his minor child, Mary T. Petersen; by Perry Rowe for his wife, Leurena Rowe, and his minor children, Imola and Alonzo Rowe; that subsequent to the date of his original application a birth affidavit, which is made a part of the record herein, was filed with this Commission showing the birth of his child, Elizabeth Rowe, on April 10, 1902; and by Charity Taylor for herself. The applications of the said David Martin, William H. Martin and Fred Petersen also included their wives, Jane Martin, Carrie Martin and Lena Petersen, respectively, who claim right to enrollment as Cherokee Freedmen by intermarriage, but as the status of such claimants by intermarriage is not fixed at this time, the said Jane Martin, Carrie Martin and Lena Petersen are not embraced in this decision. The testimony taken in the case of Thomas Archer Cherokee Freedmen D 901, is filed with and made a part of the record herein.

The evidence shows that the said David Martin was the slave of a Cherokee citizen at the commencement of the rebellion; that during said rebellion he left the Cherokee Nation and did not return and take up his residence therein until after February 11, 1867. All the other applicants herein were born since the commencement of the rebellion and are descendants of, and claim right to enrollment through, the said David Martin.

--2--

None of the names of the applicants herein are found on the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the applications for the enrollment of David Martin, Mary A. Leek, Josie Leoney, Clarence Leoney, Goral Leoney, William Leoney, Julia Leoney, Georgia F. Leoney, Wayne Leoney, Jettie Leoney, Eliza Emanuel, William N. Martin, Captola Martin, Amanda Martin, Charles A. Martin, Bunk Roscoe Martin, Fred Peterson, Mary T. Peterson, Laurena Rowe, Inola Rowe, Aleck Rowe, Elizabeth Rowe and Charity Taylor, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1896 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Signed-- Tams Eixby.

Chairman.

" T. B. Needles.  
Commissioner.

" O. R. Breckinridge.  
Commissioner.

" W. H. Stanley.  
Commissioner.

Dated at Muskogee, Indian Territory,  
this March 5, 1904.

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U.S. GOVERNMENT PRINTING OFFICE



# **NOTICE.**

## **Cherokee - Freedmen - Enrollment.**

The Commission to the Five Civilized Tribes will continue in session at

**MUSKOGEE, IND. TER.,**

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Laurena Rowe,

Wann, I. T.

Cherokee F-D-497

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

DEPARTMENT OF THE INTERIOR.

Office of Indian Affairs.

Land 53658, 1903.

58859-1903.

61805-1903.

A.C.T.

Washington, Oct. 3, 1903.

To the Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

In accordance with the request contained in your report of August 31, 1903, the record relative to the application of Clara Grayson, et al., parties applicants to the Joe Ross, et al. case, for enrollment as citizens of the Cherokee Nation, is returned. There is also enclosed the affidavit of Samuel Beck, a party to the case, which was filed in this office by Chester Howe, Esq., of this city, who requested that action be suspended on the case for a reasonable time in order that Samuel Beck might secure further and additional proof in relation to his right to enrollment. Mr. Howe has been advised of this action.

Very respectfully,

(Signed) W. A. Jones,  
Commissioner,  
A.C.T.

O.A.W.+L.C.

Cherokee Freedmen  
D-497.

Muskogee, Indian Territory, March 25, 1904.

Lourena Rowe,

Wann, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself and your minor children, Inola, Aleck and Elizabeth Rowe, as Cherokee freedmen, together with a copy of the Commission's decision, dated March 3, 1904, rejecting, among others, your said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Register

Enc. D-92.

Commissioner in Charge.

Cherokee Freedmen  
D-484 et al.

Muskogee, Indian Territory, March 25, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of David Martin, et al., including the Commission's decision, dated March 5, 1904, rejecting the applications for the enrollment of David Martin, Mary A. Leek, Jessie, Clarence, Ceral, William, Julia, Georgia F., Wayne and Jettie Leoney, Eliza Manuel, William H., Captola, Amanda, Charles A., and Bunk Rescoe Martin, Fred and Mary T. Petersen, Lourena, Inola, Aleck and Elizabeth Rowe and Charity Taylor as Cherokee freedmen.

Respectfully,

Through the  
Commissioner of Indian Affairs.

Commissioner in Charge.

Xno. D-96.

Cherokee Freedmen  
D-486 et al.

Muskogee, Indian Territory, March 25, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, in the consolidated case of David Martin et al., rejecting the applications for the enrollment of David Martin, Mary A. Leek, Josie, Clarence, GERAL, William, Julia, Georgia P., Wayne and Jettie Looney, Eliza Manuel, William H., Captola, Amanda, Charles A. and Bunk Roscoe Martin, Fred and Mary T. Peterson, Lourena, Inola, Aleck and Elizabeth Rowe and Charity Taylor as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Enc. D-94.

Commissioner in Charge.



Refer in reply to the following:  
Land. 11067-1904.

DEPARTMENT OF THE INTERIOR,

• OFFICE OF INDIAN AFFAIRS,

WASHINGTON, August 13, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized tribes, dated March 23, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen, by David Martin for himself; by Mary A. Leek for herself; by Josie Looney for herself and her minor children, Clarence, Ceral, William, Julia, Georgia F., Jettie and Wayne Looney; by Eliza Manual for herself; by William H. Martin for himself and his minor children, Captela, Amanda, Charles A. and Bunk Rossen Martin; by Fred Peterson for himself and his minor child, Mary E. Peterson; by Perry Rowe for his wife, Laurena Rowe, and his minor children, Inels, Aleck and Elizabeth Rowe.

March 5, 1904, the Commission decided adversely to the applicants.

The record shows that the principal applicant, David Martin, was the slave of a Cherokee citizen, and escaped from his master prior to the war and did not return to the Cherokee Nation prior to February 11, 1867.

L. 2.

THE

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

I.T.N. 4494-1904.  
D. O. 30-43-1904.

August 18, 1904.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

March 23, 1904, you transmitted the record in the consolidated Cherokee freedmen case of David Martin, et al (D-422), including your decision dated March 1, 1904, rejecting the applicants.

Reporting in the matter August 13, 1904, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Theo Ryan,

Acting Secretary.

1 inclosure.

The other applicants' sole title to enrollment is based on that of David Martin.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

W. A. Jones,

Commissioner.

H.M.W.  
W.

COPY.

Cherokee Freedmen

D-497.

Muskogee, Indian Territory, September 1, 1904

Laurena Rowe,

Wann, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision, dated March 5, 1904, rejecting, among others, your application for the enrollment of yourself and your three minor children, Inola, Alack and Elisabeth Rowe, as Cherokee freedmen was affirmed by the Secretary of the Interior on August 18, 1904.

Respectfully,

(SIGNED).

*Tamr Dixby.*

Chairman.

COPY.

Cherokee Freedmen  
2-422-423-424-425-  
426-427-428-429-

Washoe, Indian Territory, September 1, 1904.

Hastings, Bell & Davenport,  
Attorneys for the Cherokee Nation,  
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision, dated March 8, 1904, rejecting the applications for the enrollment of David Martin; Mary A. Leck; Jesse, Clarence, Gerol, William, Julia, Georgia F., Walter and Fattie Leckey; Eliza Emanuel; Fred and Mary T. Peterson; Charity Taylor; William E. Captela, Amanda, Charles A. and Bank Roscoe Martin; Laurena, Imola, Aleck and Elizabeth Howe as Cherokee freedmen, was affirmed by the Secretary of the Interior on August 12, 1904.

Respectfully,

(SIGNED) *Tams Bixby.*  
Chairman.



-COPY-

W.C.P.  
Y. P.  
LLB

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

D. C. 43690-1906.  
I.T.D. 6494-1904.  
881-1906.

LRS

September 13, 1906.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

The Department has considered a motion to reopen the Cherokee Freedman case of David Martin et al, in which case the Department on August 18, 1904, affirmed the decision of the Commission to the Five Civilized Tribes, rejecting the applicants.

The motion for review is filed by the attorneys for the applicants, and is based on the ground that the former decisions are contrary to the law governing such cases and is not warranted by the facts as shown by the record. With said motion is filed the affidavits of Daniel Tacker and Fred Martin.

Considered in connection with the record the motion and affidavits submitted are not sufficient to justify the Department in reopening the case. The motion is therefore denied, and you will so notify the proper parties.

The motion is inclosed herewith.

Respectfully,

(Signed) Thos Ryan  
Acting Secretary.

1 inclosure.

Cherokee Freedmen

R-445, et al.

Muskogee, Indian Territory, September 22, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that this office is in receipt of Departmental letter of September 13, 1905, denying the motion of Blue & Bulger to have reopened the Cherokee Freedmen enrollment case of David Martin, et al., (C.F.R-445-4-6-7-8-9-50-51).

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

LS

Acting Commissioner,

Incl. 8-25

Cherokee Freedmen  
R-445, et al.

Muskogee, Indian Territory, September 22, 1906.

Blue & Bulger,

Attorneys for David Martin, et al.,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that this office is in receipt of Departmental letter of September 13, denying your motion to have reopened the Cherokee Freedmen enrollment case of David Martin, et al.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

LS

Acting Commissioner.

Incl. S-24

Cherokee Freedmen

R-451.

Muskogee, Indian Territory, September 22, 1905.

Lourena Rowe,

Wann, Indian Territory.

Dear Madam:

You are hereby advised that this office is in receipt of Departmental letter of September 13, 1905, in which the motion, filed on your behalf, to have reopened the Cherokee freedmen enrollment case of yourself, et al., is denied.

Respectfully,

18

Acting Commissioner

-COPY-

D. C. 52011-1905.  
I.T.D. 14844-1905.  
LRS

J.W.H.  
FHE.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

November 15, 1905.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

You are advised that a motion to reopen the Cherokee freedman enrollment case of David Martin, et al., has been filed in the Department.

See departmental letter of September 13, 1905, to you.

Respectfully,

Through the Commissioner,  
of Indian Affairs.

(Signed) Thos Ryan  
First Assistant Secretary.



( C O P Y )

D.C. 52744-1905

I.T.D. 14844-1905.

L R S

J. W. H.  
FHE

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

November 18, 1905.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

The Department is in receipt of a letter dated October 30, 1905, addressed to the Attorney General of the United States, from William H. Martin, of Vann, Indian Territory. This letter is in the nature of a motion for rehearing in the matter of the Cherokee freedman case of David Martin, et al., to which the said William H. Martin is a party applicant.

Neither this motion nor the affidavits filed in support of it bear evidence of service upon the attorney for the Cherokee Nation. Accordingly, all the papers filed with Mr. Martin's letter are inclosed herewith to be returned to him.

He asks to be advised what further steps should be taken to secure his enrollment. From the records of the Department it appears that a decision adverse to the applicants in the case of David Martin et al., was rendered by the Department August 18, 1904. A motion to reopen this case was denied by the Department September 13, 1905. The Department finds that the motion now under consideration does not warrant a reopening of the case;

-2-

said motion is accordingly denied

In advising Mr Martin hereof it is requested that you explain to him carefully the requirements with which he must comply if he submits a motion for rehearing in his case or for review of the Department's action therein.

Reference is here made to departmental letter of November 15, 1905, relating to this case.

Respectfully,

( Signed ) THOS RYAN  
First Assistant Secretary

Through the Commissioner  
of Indian Affairs.

3 inclosures.

**Cherokee Freedmen**

**B-448.**

**Muskogee, Indian Territory, December 1, 1905.**

**William H. Martin,**

**Wann, Indian Territory.**

**Dear Sir:**

In connection with the Cherokee Freedmen enrollment case of yourself, et al., you are advised that this office is in receipt of Departmental letter of November 18, referring to a communication from you, dated October 30, 1905, addressed to the Attorney General of the United States, in the nature of a motion for rehearing in the matter of the Cherokee Freedmen case of David Martin, et al., to which you are a party applicant. You are advised that the motion is denied by the Department for the reason that neither it nor the affidavits filed in support of it bear evidence of service upon the attorneys for the Cherokee Nation, and for the further reason that the Department finds that the motion does not warrant a reopening of the case.

You are further advised that it has been the practice of the Department to only grant motions for review, or for reopening of Cherokee enrollment cases, where it is shown that the decision was contrary to the law and evidence, or where new evidence has been discovered that is material to the case and would probably change the status of the applications for enrollment.

If you can point out wherein the decision of the Department in rejecting your application for the enrollment of yourself, et al., as Cherokee freedmen is erroneous, you may file a motion for review of Departmental decision referred to, and the same will receive due consideration. If you are in possession of newly discovered evidence that is material to your case, you may advise this office of the same, stating in detail all the facts you can establish in the event of a reopening of your case and have your motion supported by affidavits of the witnesses whose testimony you desire to introduce, indicating therein fully the facts to which they will testify, evidence of service on the attorneys for the Cherokee Nation of copies of all papers filed to be furnished, and the same will be forwarded, with recommendation, for the consideration of the Secretary of the Interior.

The motion filed by you with papers attached are returned herewith.

Respectfully,

Incl. 3-5

Acting Commissioner.

( C O P Y )

Land  
6138-1906.

DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS  
WASHINGTON.

February 12, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

On January 5, 1906, the Department referred to the Commissioner to the Five Civilized Tribes, for report and recommendation, a communication from Josie Looney, dated December 27, 1905 asking that the Department order her enrollment and that of her children.

I now have the honor to enclose a communication from the Commissioner to the Five Civilized Tribes, dated January 17, 1906, in which he says that Mrs. Looney evidently refers to Cherokee freedman enrollment case of herself and children; that on March 5, 1904, the Commission to the Five Civilized Tribes rejected the application of Josie Looney for the enrollment of herself and her children, Clarence, Coral, William, Julia, Georgia F., Wayne, and Jettie Looney as Cherokee freedmen, which decision was affirmed by the Department on August 18, 1904, I.T.D. 6494; that on September 13, 1905, I. T. D. 881, and on November 18, 1905, I.T.D. 14844, the Department informed him that motions for a reopening of the case had been denied. He says the style



of the case is David Martin et al., Cherokee Freedmen N-486, and that there appears to be nothing contained in the letter of Josie Loney which was not considered in connection with her application for enrollment.

It is recommended that Mrs. Loney be advised in accordance with what is said in the Commissioner's report, which is borne out by the records of this office.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

GAY-OR

D.C. 20248

J.V.H.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

PHH

I.T.D. 8494-1904.

8533-1905

8723- "

2552-1906.

LRS.

May 19, 1906.

The Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Referring to your report of January 17, 1906, there are inclosed herewith two motions for reconsideration of the Cherokee freedman case of David Martin, et al. These motions were filed with the Department September 7, 1905; the first (I.T.D. 8533-05) relates to all of the applicants in the case; the second (I.T.D. 8723-05) relates particularly to the case of Josie Leoney, et al, which was consolidated with the said case of David Martin et al. Although a motion for a rehearing was denied November 16, 1905, in the Martin case, it does not appear that action has ever been taken on the inclosed motions. They are accordingly transmitted to your office in order that record therein of their filing may be made, to be returned thereafter with your recommendation. See enrollment sections of act of April 26, 1906 (Public No. 129).

A copy of Indian Office letter of February 12, 1906 (Land 6138-06, is inclosed.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

3 inclosures.

Muskogee, Indian Territory, August 4, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

This office is in receipt of Departmental letter of May 19, 1906 (I.T.D. 8494-1904, 8633, 8723-1906, 8852-1906), enclosing two motions for reconsideration of the Cherokee Freedmen consolidated case of David Martin et al. You state that said motions were filed with the Department September 7, 1905; that the first (I.T.D. 8633-1906), relates to all of the applicants in the case; that the second (I.T.D. 8723-1906), relates particularly to the case of Josie Looney et al., which was consolidated with the case of David Martin et al., and that although a motion for a rehearing in the Martin case was denied November 16, 1905, it does not appear that action has ever been taken on the enclosed motions. They are transmitted to this office in order that proper record of their filing may be made, to be returned with this office's recommendation.

These motions for review are two of the 311 motions filed with the Department September 7, 1905, the filing of which this office was advised January 18, 1906 (I.T.D. 8297, 8337 to 8957 inclusive--odd numbers -- 1905, 460-1906).

Secretary-2.

All of the applicants included in these motions for review except Fred Martin and Eliza Looney, are embraced in the decision of the Commission to the Five Civilized Tribes dated March 5, 1904, in the Cherokee freedmen consolidated case of David Martin et al, D 486, et al. (now R 445 et al.), which decision was on August 18, 1904 (I.T.D. 6494-1904), affirmed by the Department.

In view of the provisions of the Act of Congress approved April 26, 1906 (Public No. 129) relative to the return to the Cherokee Nation of Cherokee freedmen, it is respectfully recommended that the motions as far as they relate to the applicants in the Martin case, be denied.

The Department, on September 13, 1905 (I.T.D. 881-1905) and November 18, 1905 (I.T.D. 14844-1905), denied motions for the reopening of this case.

The records of this office further show that the decision of the Commission to the Five Civilized Tribes dated March 5, 1904, rejecting, among others, the application for the enrollment of Eliza Looney D 537- R 658, which application was embraced in the Cherokee freedmen consolidated case of Sam Fox et al., D 508 et al., was affirmed by the Department on August 31, 1904 (I.T.D. 6756-1904). For the reasons above stated it is also recommended that said motions, as far as they relate to the case of Eliza Looney, be denied.

Secretary-3

The decision of the Commission to the Five Civilized Tribes rendered May 13, 1905, rejecting the applicants in the Cherokee freedmen consolidated case of Lewis Martin et al., D 289 et al., which case included the application of Fred Martin, was on May 13, 1905, forwarded to the Department, where it is now pending. No reason appears for the granting of said motions so far as they relate to the case of Fred Martin, and it is respectfully recommended that the same be denied.

Reference is made to two Departmental letters of May 2, 1906 (I.T.D. no number, I.T.D. 6347 .... 8705-1905), relating to the 311 motions for review herein referred to. Proper notations of the filing of these motions have been made upon the records of this office, and the same are returned herewith.

Respectfully,

Commissioner.

Through the Commissioner  
of Indian Affairs.

L M B  
Encl. B-30



(C O P Y )  
DEPARTMENT OF THE INTERIOR, LLE O. R.  
WASHINGTON.

L.R.S.

I.T.D. 6494-1904.

November 3, 1906.

881-1906.

8833- "

8723- "

7757-1906.

12563- "

12623- "

15390- "

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:-

The Department has carefully considered, in connection with the record, motions for reopening the consolidated Cherokee freedman case of David Martin et al., filed September 7, 1905 (I.T.D. 8533, 8723), and June 23, 1906 (I.T.D. 7757), on behalf of Josie Looney et al.

The principal applicant, David Martin, a former slave of a Cherokee citizen, from whom he escaped and scouted in the woods of the Indian Territory until the outbreak of the civil war, when he joined the army and afterwards became a resident of the State of Kansas, is not shown to have actually returned and established a personal bona fide residence in the Cherokee Nation on or before February 11, 1867, as required by section 3 of the act of Congress approved April 26, 1906, (34 Stat., 137).

The Department sees no reason to disturb its decision of August 18, 1904 (I.T.D. 6494), denying the application for the enrollment of any applicant claiming through the said David Martin, as do the moving parties herein. The Department still adheres to its decision of August 18, 1904, adverse to such applicants, and said motion for a reopening and reconsideration is hereby denied.

You will advise moving parties and their attorneys of this action.

The record has this day been returned for the files of the Indian Office.

Respectfully,

(Signed) E. A. Hitchcock,  
Secretary.

Through the Commissioner  
of Indian Affairs.

7 inclosures.

Cherokee Freed.

R-451.

Muskogee, Indian Territory, November 14, 1906.

Leurena Rowe,

Wann, Indian Territory.

Dear Madam:-

You are hereby advised that motions for rehearing of your Cherokee freedman case, filed by your attorneys September 7, 1905, were denied by the Department November 3, 1906.

Respectfully,

Commissioner.

Cherokee Freed.

B-448, et al.

Waskagee, Indian Territory, November 14, 1906.

Hins & Bulger,

Attorneys for David Martin and others.

Waxter Springs, Kansas.

Gentlemen:-

You are hereby advised that your motions filed September 7, 1906, and June 23, 1906, for a rehearing in the Cherokee freedmen cases of Davis Martin, et al. and Jogie Leoney, et al., were denied by the Department November 3, 1906.

For your information there is enclosed a copy of the Department's Decision.

Respectfully,

Commissioner.

Inc.-2-14-LGG.

Cherokee Freed.  
B-455, et al.

Muskogee, Indian Territory, November 15, 1906.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:-

There is enclosed a copy of the Department's decision of November 3, 1906, denying the motions filed September 7, 1905, and June 23, 1906, for a rehearing in the Cherokee Freedmen cases of Davis Martin and others and Josie Leoney and others.

Respectfully,

Commissioner.

Ino.-1-16-100.



Cher Fr R 452

Trans. from Cher Fr D 771

Cher Fr R 452

*[Handwritten signature]*

REPORT OF THE COMMISSION TO THE FIVE CIVILIZED TRIBES

*[Handwritten signature]*

THE COMMISSION TO THE FIVE CIVILIZED TRIBES  
WAS ORGANIZED BY THE SECRETARY OF THE INTERIOR  
ON JANUARY 1, 1901, AND HAS SINCE THAT TIME  
BEEN ENGAGED IN A STUDY OF THE PROBLEMS  
CONNECTIONED WITH THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

JUN 27 1901

*[Handwritten signature]*  
CHAIRMAN

11/11/01

3

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Nowata, I.T., June 19, 1901.

In the matter of the application of Jackson Fields for the enrollment of himself and eight children as Cherokee Freedmen; being sworn and examined by Commissioner Needles, he testified as follows:

Appearances:

Mr. Mellette, of Mellette & Smith, attorneys for applicant  
Mr. W.W. Hastings, for the Cherokee Nation.

- Q What is your name? A Jackson Fields.  
Q How old are you? A 45.  
Q What is your post-office? A Vinita.  
Q What district do you live in? A Delaware.  
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.  
Q Is your name on the roll of 1890? A No sir.  
Q Is it on any of the rolls of the Cherokee Nation? A Yes sir.  
Q Who do you want to enroll besides yourself? A Myself and about eight children.  
Q Well about eight, is it nine or ten or 11? A It is eight.  
Q You want to enroll your wife? A She is a-  
Q Well are you married? A Yes sir.  
Q What is your wife's name? A Lucretia Fields.  
Q Give me the names of the children, those under 21 years of age, that are unmarried? A James Fieola.  
Q How old is James? A 15 years old.  
Q Next child? A Eliza Jane.  
Q How old is she? A She is 14.  
Q Next one? A Hester.  
Q How old is Hester? A She is 10.  
Q Next one? A Sisley.  
Q How do you spell that do you know? A S-i-s-l-e-y.  
Q How old is Sisley? A She was born January 21, 1893.  
Q Make her eight years old, what is the name of the next one?  
A Alexander.  
Q How old is Alexander? A He was born January 28, 1895.  
Q Six years old, go on, you have got more more haven't you?  
A Yes sir.

Mr. Mellette takes a list and reads it for applicant:  
William McKinley, born in 1897, and Wesley, born in 1899, and Oby Miles, was born February, this year.

- Q Are these children all living at this time? A Yes sir.  
Q All living now with you? A Yes sir.

BY MR. MELLETTE:

- Q Jackson, were you a slave in the Cherokee Nation at the beginning of the war? A Yes sir.  
Q Where did you live? A I lived down below the Asylum, Salt Lick.  
Q Who was your master? A I didn't have no master, my owner was a widow, Busie Ross.  
Q Was she a Cherokee citizen? A Yes sir.  
Q Who was your father? A Andy Fields.  
Q Who was your mother? A Canoy Ross.  
Q Did you go out of the Cherokee Nation during the war? A Yes sir.  
Q Where did you go to? A Went to Kansas.  
Q Who went with you? A Me and my mother and grandfather and grandmother and my brothers and sisters.  
Q Where was your father? A He was living way off from where we was, I don't know where he went to time of the war.  
Q He wasn't living with you? A No sir.  
Q You were living with your mother were you? A Yes sir.  
Q And what was her name? A Canoy.  
Q Was she a slave? A Yes sir.  
Q Who owned her? A Busie Ross.

- Q The same one that owned you? A Yes sir.
- Q What part of Kansas did you go to during the war?
- A I went to Ft. Scott.
- Q When did you come back to the Cherokee Nation after the war?
- A In '66.
- Q Who did you come back with? A With a man by the name of Mose Carter.
- Q Who came back with you? A Mose Carter.
- Q I know, any of your brothers or sisters or your mother? A My mother died up in Kansas.
- Q Your mother died up in Kansas? A Yes sir.
- Q Are you the only one of your family that came back with Mose Carter? A Yes sir.
- Q Where did you come to? A I come somewhere here in the nation, I don't know just where.
- Q You were young? A Yes sir.
- Q You remember just about where you came? A No sir, it was on some creek.
- Q Where were you the first you can remember in the Cherokee Nation? A I come to Joe Lynch's.
- Q Where is that? A That's down on the Grand river.
- Q Have you lived in the Nation ever since that time? A No sir, not ever since.
- Q Where have you been? A I went up there to Kansas after I got big enough to work.
- Q What did you do after you got back to Kansas? A I worked, chopped wood.
- Q What has been your home? A Here in the Nation.
- MR. HASTINGS: I object to that question.
- Q Where have you lived since you came back here in '66, where has your home been since you came back here in '66? A
- MR. HASTINGS: I am going to object to that question. The representatives of the Cherokee Nation object to this question, first, because it is a legal conclusion to be deducted from the facts and for the commission to pass on as to where his home was, and the facts themselves ought to be developed, and the conclusion ought to be left to the commission.
- Com'r. NEEDLES: I think you ought to ask him where he lived and bring out the facts.
- Q How much have you lived in Kansas since you came back here in '66? A I have been back there about three times different times, I guess.
- Q How long would you stay? A 9 or 10 months at a time.
- Q What would you be doing up there? A First next one thing and another, sometimes I would go up in the fall and stay all the winter and chop wood for people, and cut corn.
- Q Did you consider that your home place? A
- MR. HASTINGS: I object.
- MR. BELLEFLORE: Commissioner, a man's home is made by tent, the law says a man can go across the ocean, and stay ten years, but his home is in the Territory; men go to Washington City and stay and come back here and vote; this is his home.
- MR. HASTINGS: You can ask him what he does; you would ask a man what he did in Washington; if a man was across the ocean, a minister or anything of that kind, his home might be here in the Nation.
- Q You have been back to Kansas three times and stayed 9 or 10 months?
- A Yes sir.
- Q Where would you come back to after you got through there? A Back to the Nation.
- Q Did you own property here in the Cherokee Nation? A Yes sir.
- Q How long have you owned it? A Ever since I was married.



Jackson Fields et al 3

Q How long ago has that been? A That's been about 18 years I guess.

Q Now when you wanted up in would go up into Kansas what would you go there for? A I would go to work.

Q And when you got through you would do what? A Come back.

Q Come back where? A To the nation.

Q What would you come back to the Nation for? A Because I considered this my home here and I went off to work and get me some clothes and a little money, and then I would come back home.

Q Now your father, do you know what became of him during the war?

A No sir, I don't know where he went during the war.

Q Did you see him after the war? A No sir, I heard of him though.

Q Where? A Heard he was down here on Pecan Creek last I heard of him.

Q In what nation? A In the Creek Nation.

Q You never did see him after the war? A No sir.

Q You know whether he died soon after the war or not? A No sir, he died two or three years ago.

Q Where did he live during that time, in the Cherokee nation or the Creek Nation? A No sir, when I heard of him he was living out there on Pecan Creek.

Q In the Creek Nation? A Yes sir.

BY COM'R. HENNING:

Q You say you worked up in Kansas occasionally? A Yes sir.

Q Did you have your family up there? A No sir, I didn't have no family then.

Q You have had a family a good many years haven't you? A About 18 years, I guess.

Q Well have you lived up in Kansas since you have had a family?

A No sir.

Q Your family ever live in Kansas? A No sir.

Q Where were your children all born? A Here in the nation.

Q Since you were married and had a family you would go up to Kansas occasionally and work yourself? A Yes No sir.

Q You have never been there since you married? A No sir.

Q Always been here? A Yes sir.

BY MR. EASTING:

Q Now you married about 18 years ago? A Yes sir.

Q What year was that? A It must have been '83 or 4 I guess.

Q You don't remember exactly? A One or the two.

Q What year was your first child born? A It was born in '86.

Q Where was that child born? A Down on the river.

Q Now did you have any other brothers and sisters in Kansas at the time you left there and come back here? A I don't know whether they was in Kansas or not.

Q Don't you know whether you left them there or not? A I started, they wasn't with me when I started.

Q How long had your mother been dead? A She hadn't been dead long.

Q Well a few months or a year or more? A Oh about a year I reckon.

Q How did you come down here, in a wagon or afoot or how? A Well I footed a part of the way, and come in a wagon part of the way.

Q How many wagons were along? A I don't know, I never counted them.

Q Was there a good many of them? A There was a couple I believe.

Q Two? A I think there was.

Q And yet you never took occasion to count them? A No sir.

Q How who came in those wagons? A I don't know who came in the other one.

Q You don't remember? A No sir.

Q How old were you at that time? A I don't know just how old I was.

Q Didn't you hear any of the people that come in the wagon?

A Yes, there was a man they called Mose Carter, they said he was



Jackson Fields et al

Mose Carter.

- Q Was he any relation to you? A No sir.
- Q Was there anybody in that crowd any relation to you? A No sir.
- Q How long did you stay with Mose Carter after you got down to the river?
- A I reckon about a month.
- Q Then where did you go? A I went on Grand river.
- Q Where did Mose Carter stop? A He stopped somewhere this side of the river, I don't know exactly whereabouts.
- Q You left him then up there and you went down to the river? A Yes sir.
- Q Now to whose place did you go on the river? A I went down to Joe Lynch's.
- Q Was he living there at that time? A Yes sir.
- Q That's the man that's known as Joe Lynch or Joe Buzzard? A Yes sir.
- Q Nicknamed Buzzard? A Yes sir.
- Q He was living there at that time? A Yes sir.
- Q Was his family living there? A Yes sir.
- Q Where was he living, on what part of the river? A On this side of the river.
- Q Did he have a place of his own? A No sir, not then he didn't; only a house.
- Q He was living in a house though was he? A Yes sir.
- Q On this side of the river? A Yes sir.
- Q Now what neighbors did he have living about him? A I don't know about his neighbors.
- Q Did you know of anybody living around him? A Wasn't any one living right close around as I know of.
- Q How long did you stay with Joe Lynch? A I stayed there quite a while, I don't know just how long.
- Q Well about, your best judgment as to the length of time? A I stayed there until I got big enough to rustle out and try to make my own living.
- Q Was that six months? A Yes sir.
- Q Well about how long? A Four or five or six years I reckon.
- Q You mean to say you stayed there that length of time and yet you don't remember anybody who was living about him? A No, I don't say I lived there that long and didn't know who was living about him.
- Q Did you know Gobbie Bell? A Not for a long time afterwards.
- Q He was living down there? A I don't know whether he was or not.
- Q Did you know Joe L. Thompson? A No sir.
- Q Did you know Watt West? A No sir.
- Q ~~Kan Kan Kan~~ Well now who did you know that lived around Joe Lynch at that time, or the first ones who lived around him? A Well I know Crap Lynch.
- Q Where did Crap Lynch live at that time? A He lived up the river.
- Q About how far? A I don't know how far it was.
- Q 10 or 12 miles? A It wasn't that far.
- Q Well about how far? A Well I didn't measure the distance, I don't know how far it was.
- Q Do you think it was as much as eight miles? A I don't think it was.
- Q Five? A I don't know.
- Q Do you think it was 2? A Yes, it was over two miles.
- Q On which side of the river was Crap living, on the same side or the opposite side from you? A Living on this side.
- Q On the same side of the river you were living on? A Yes sir, when I knew him.
- Q Living in any house was he? A Yes sir.
- Q Is that the only neighbor now you know? A No sir.
- Q Crap is one of your neighbors? A Yes sir.

Jackson Fields et al 3

Q Was there anybody else living around in there that you knew in that five or six years that you stayed at Joe Lynch's? A Yes sir. Andy Fry lived there.

Q How far was Andy living from you, your best judgment? A He was not living over 10 miles.

Q You can't name any near neighbors? A Toke Bean and Art Bean.

Q What family did Mose Carter have at the time you were living with him in '66? A I don't know.

Q You don't remember his family? A No sir.

Q You don't remember his wife's name? A No sir.

Q Don't remember his children? A No sir.

Q And yet you said you lived with him five or six years? A No I didn't.

Q Well you say you came down with him? A Yes sir.

Q What kin is Joe Lynch to you? A He is a brother-in-law.

Q Brother-in-law of yours? A Yes sir.

Q You don't know anybody that come in that other wagon along with Mose Carter? A No, I didn't know get acquainted with them.

Q You didn't know Mose Carter before the war? A No sir.

Q What year did your mother die? A She died just about a year before I got back here, as near as I can remember.

Q How long after the war was it? A It was time the war was going on.

Q Well you went then from Joe Lynch's to Kansas, what part of Kansas? A I went up about Humboldt.

Q The same place that you had left? A Yes sir.

Q What did you do about Humboldt? A Chopped wood and done chores around town.

Q Who did you stay with when you came back? A I stayed at Joe's.

Q At the same place you lived before? A Yes sir.

Q Was he living at the same place? A Yes sir.

Q How long did you stay with him the second time you came back? A Oh a year or two I reckon.

Q Then you went back to Kansas did you? A Yes sir.

Q Humboldt? A Yes sir.

Q You know Dr. R. H. Frazier? A Yes, I know him.

Q When did you ever get acquainted with him first? A I don't know how long ago it has been on.

Q Shortly after you came from Kansas wasn't it? A I out corn for him, I don't know.

Q You told him where you had been to didn't you? A I don't know whether I did or not.

Q How long had you been back from Kansas when you out corn for him? A I guess about a couple of years.

Q Who married you? A Jess Rowe.

Q You married over on the river? A Yes sir.

Q What was your wife's name? A Lucretia.

Q What was her name before you married her? A Johnson.

Q Is she an applicant for state raised? A State raised.

Q Where did you first meet her? A Here in Vinita.

Q What kind of work did you ever do in the Territory before you married? A Chopped wood and made rails.

Q Who did you chop wood for here? A I chopped some for John Beck, I chopped some for Holman time he run that saw-mill down there.

Q You never made a crop here before you was married? A No, not alone.

BY MR. MILLER:

Q Jackson, are you on the Kern-Clifton roll? A Yes sir.

Kern-Clifton roll of citizens of the Cherokee Nation examined and identified thereon as follows:  
page 140 James J. Fields, Cowassawee District;  
page 140 James J. Fields, Cowassawee District.

Jackson Fields et al

page 140 #3486 Eliza Fields, Cooweescoowas District;  
page 140 #3487 Hester Fields, Cooweescoowas District;  
page 140 #3488 Syallie Fields, Cooweescoowas District;  
Wallace roll of citizens of the Cherokee Nation examined and  
applicant identified on  
page 188 #3453 Jackson Fields, (No district)

BY COM'R NEEDLES:

- Q When were you married to Lucretia Johnson? A In '84.  
Q Is she the mother of all these children? A Yes sir.  
Q Have you any proof of your marriage? A Yes sir.  
Q She was a non-citizen was she? A Yes sir.  
Q What proof have you got of your marriage, have you got a marriage certificate? A No sir.  
Q Who married you? A Jesse Rowe.  
Q Is he living? A No sir, he is dead.  
Q Have you got anybody that was present and saw you married?  
A No sir.

BY M. HASTINGS:

- Q Were you ever married before? A Yes.  
Q What was your first wife's name? A Rhoda Eaton.  
Q When did you marry her? A In '83.  
Q You and Rhoda Eaton separated when you married this woman?  
A No, she died.  
Q Where did you marry Rhoda Eaton? A Down on the river.  
Q That Rhoda Eaton your first wife? A Yes sir.  
Q That Lucretia Johnson ever married before? A No sir.

BY MR. MCELLEN:

- Q At the time you married Lucretia Johnson, the mother of these children, your former wife was dead? A Yes sir.  
Q And you had no wife living at the time you married her? A No sir.  
Q And had she any living husband? A No sir.  
Q Have you and Lucretia lived together since you were married, as man and wife? A Yes sir.  
Q Continually? A Yes sir.

GEORGE W. LYNCH, being sworn by Com'r Needles, testified as follows:

BY MR. MCELLEN:

- Q What is your name? A George W. Lynch.  
Q What is your age? A I am about 48.  
Q Where do you live? A I live in Vinita.  
Q Do you know the applicant? A Yes sir.  
Q How long have you known him? A Well about I have been knowing him about 35 or 6 years.  
Q You remember where you first saw him after the war? A Yes sir.  
Q Where? A On Grand river at Joe Lynch's.  
Q What year was that? A Well it was along in the winter of 1866.  
Q Have you known him since that time? A Yes sir, I have known him ever since that.  
Q You don't know anything about him before the war or at the beginning of the war? A No sir, I didn't know him until then.  
Q Until you saw him there at Joe Lynch's? A Yes sir.  
Q That was on Grand river? A Yes sir.

BY MR. HASTINGS:

- Q You say that was about 25 or 6 years ago? A No sir, I didn't say no such a thing.  
Q How many years ago, testify? A It was about 35 or 6 years ago.  
Q That was in the winter? A Yes sir.  
Q You are 48 years of age? A I was born in December 1862.

Jackson Fields et al v.

- Q You were about 14 years old then? A (No reply)
- Q Are you on the roll of 1880? A I don't think I am.
- Q Are you any kin to Joe Lynch? A Not abit.
- Q Are you any kin to this applicant? A No sir.
- Q Joe Lynch is the man commonly known as Joe Buzzard? A Yes sir, that's his nick-name.
- Q Where was Joe Buzzard or Joe Lynch living at the time you saw this boy? A He was living out there at the edge of the prairie, as well as I can remember, about the place he is living now, but not in the same house.
- Q It's all the same field though, the same premises? A Same premises as well as I can remember.
- Q Did Joe Lynch have a house there then when you saw him? A Way it was some kind of a little old cabin.
- Q How long had Joe Lynch been there when you saw this boy?
- A I couldn't say anything about that, sir, I don't know how long he had been there.
- Q But Joe Lynch was there? A Yes sir, he and his wife.
- Q Who lived near Joe Lynch at that time? A Well sir, I don't know, that was the first time I ever was over there at that time.
- Q Where did you live at that time? A Way I hadn't been there over about a week or so, probably two weeks, Art Williams taken me over there; it was reported that there was going to be a dance over there, and I went over with Art.
- Q In Joe Lynch's house? A It was said there was going to be a dance at Joe Buzzard's.
- Q Did Joe have any neighbors living around him at that time? A Well I don't remember right around there, it was pretty thinly settled there then. In fact it was about dark when we went up there.
- Q Where were you living? A I went from what was known, called then the Directorate Prairie.
- Q Who were you living with? A I was at old man Griffin Daniels, Art come right there and that's where I went from with him.
- Q Did they have a dance? A No sir, they didn't have it; I don't know what was the cause of it.
- Q When did you next see this boy? A I didn't see him any more I guess it must have been about five or six years after that.
- Q Where did you live in the meantime? A I didn't live anywhere, but very short time after that I went off and joined the army.
- Q How long was it until you returned? A After I went it was about, I stayed five years, I was in the Regular Army.
- Q When you were mustered out did you come back there? A Yes sir, come back on Grand River.
- Q Where was this applicant at then? A Well I don't know right where he was at that time; I would see him now and then, I don't know just what he was living with; I would see him around the country now and then after I come back.
- Q Do you remember any specific place you saw him? A I don't know as I could specify a particular place.
- Q You don't know who he lived with? A Mostly I think as well as I could understand about him, working from one place to another.
- Q You knew about him going back to Kansas? A No, I didn't know where he went.
- Q You never heard of him going back up there? A I have known that he was missing at times, but I didn't know where he went.
- Q Wouldn't there be three or a number of years that you didn't see him? A I would see him in the course of a year.
- Q You lived in that Joe Lynch neighborhood after you came back from the army? A Yes sir, after I come back I went to uncle Tom Moore's, he lived on the old Daniel place on the other side of the River.
- Q How far was that from Joe Lynch's? A Straight through I guess



Jackson Fields et al &

it must have been four or five miles.

Q Have you lived in that neighborhood ever since then? A Well I have lived out west on Cedar Creek.

Q When did you leave that Grand river settlement? A I lived on Grand river up until about '84 or '85 or '86, some where along in there.

Q Well now I want to know if you know who this man lived with up to that time and after you were mustered out of the army? A Well I don't know for certain who he lived with, I have just seen him here and about, I couldn't state that he lived with anybody in particular.

Q You know where he was first married? A I know where he was married once, I don't know whether it was his first time or not.

Q What was his wife's name? A The woman I knew him to marry then her name was Lou.

Q Lou what? A I don't know the other name, I know they called her Lou.

Q You know whether he had been married before or not? A No sir.

ANDERSON LYNCH, being sworn and examined by Con'r Needles, testified as follows:

BY MR. MELLETTE:

Q What is your name? A Anderson Lynch.

Q What is your age? A 64.

Q Where do you live? A I live out on Grand river.

Q What is your post-office? A Vinita.

Q Are you a Freedman citizen of the Cherokee Nation? A Yes sir.

Q On the authenticated roll? A Yes sir.

Q Do you know the applicant here, Jackson Fields? A Yes sir, I know him.

Q When did you first get acquainted with him? A I knowed him before the war when he used to live with his mistress down here at Ross.

Q Who was his mistress? A Susan Ross.

Q Was she a Cherokee citizen? A Yes sir.

Q Where did you first see him after the war? A Up the river there close to the brick on the Johnson Thompson place, he was small then, he must have been about 10 or 12 years old, maybe older.

Q Where did you see him? A I just met him going up towards the brick, up towards the brick house towards the Johnson Thompson's place.

Q When was that? A It was in the year '66.

Q You know where he was living at that time? A No sir, he was just working about first one place and another, just traveling.

Q You had known him before the war as a child? A Yes sir.

Q Did you know where he went during the war? A He went up into Texas.

Q Do you know who he came back with? A No sir, I don't know who he came back with.

BY MR. HASTED:

Q You just happened to meet him up there in the road? A Yes, close up there not far from the river.

Q And you have remembered that for 35 years have you? A No, I didn't remember it, but I just happened to think of it, where I first saw him.

Q You remember every man that you met 35 years ago, in the road?

A I don't expect I do.

Q In what year were you born? A I don't know, I never kept track of it.

Q What year were you married? A I don't know that neither.

Q What year was your oldest child born? A I never kept track of them.



Jackson Fields et al 9

Q What year did Wallace make a roll? A I don't know.

Q What year did the Kern-Clifton Commission sit and make a roll?  
A I don't know what year it was.

Q You don't remember when the Kern-Clifton court met, and you had seen him? A It must have been about three or four years ago.

Q You don't know one year from another? A Some times.

Q You don't know what year this is? A I don't know.

Q How much has this fellow given you to witness for him? A He ain't given me anything yet.

Q What did he agree to give you? A He ain't agreed to give me anything, he said he would help pay my board if I would state what where I saw him and that I knowed his people.

Q You never knew it until then? A Oh I studied it up and I knowed where I first saw him around.

Q What was his mother's name? A Chaney.

Q Did he have a brother older than him down there when you saw him, before the war? A He might have, I don't know exactly.

Q Did he have a sister older than him down there? A I don't know which was eldest, but I think he did have a sister.

Q You don't know her name? A No sir, this was the only one that come up and stayed around me most.

Q Has he stayed around you any before the war? A Not no, just since.

Q How far did you live from him about before the war? A It must have been 15 miles, I would go down there to the post-office every Saturday.

Q You saw him out of the family, and you don't know the names of his brothers or sisters, and yet you knew him? A Yes, I knowed the names of them, but I have pretty near forgot them.

Q You haven't got every good memory have you, anyway? A Oh it will sort of do.

Q You don't know who this fellow was living with after the war?

A No, I don't know who he was living with after the war, he was working around there, and married off and that woman died, and he married again, and he has got some children pretty near grown; that's all I know, been there ever since.

Q You saw him there continuously all the time? A I have heard of him, he lived about a mile and a quarter from me all the time.

Q He didn't? A Yes sir.

Q Ever since '66? A No, not ever since '66.

Q Where did he live first, 20 years after the war? A I couldn't tell you, he was just there, round and about, first one place and another, working.

Q Did you know a single neighbor that he lived and worked for in Kansas that length of time? A I never paid much attention to it, just wherever he could get a job of work, I know he made his rails for me awhile.

Q How many did he make for you? A Four or five hundred.

Q That's all you know of his whereabouts for the first 20 years after the war? A Oh he has just been there in the neighborhood, I never paid much attention.

Q And yet you don't know a single person with whom he lived? A Stayed some time at Joe Lynch's and around there.

Q How long did he stay there? A I couldn't tell you, they was close kin to him and he just stayed around in there amongst his kinfolks.

Q Okay, don't you know this boy has been in Kansas up until '81 or '82? A No, I don't know that.

Q Do you know that he has been in Kansas since the war? A Not since he come back; don't know whether he has been up there or not.

Q Haven't you missed him out of that neighborhood for years at a time? A No, not years at a time, some times I wouldn't see him for maybe six months or more, I never paid much attention.

Q The only thing you particularly paid attention to was when you

Jackson Fields et al 10

happened to meet him in the road up there? A That's where I first placed him and knowed whose boy he was.

Q Riding horseback was he? A No, he was afoot, didn't have no horse.

BY MR. WELLS:

Q What do you know about his being married to his present wife?

A This last one?

Q Yes? A Well, he married her, Jesse Rowe married them, but I don't know how long it has been.

Q You were present when they were married? A No sir.

Q Have they represented themselves as man and wife since that time?

A They always just lived together same as man and woman, wife from the looks of the children they have got there.

Q What made you say Jesse Rowe married them? A That's where they went up to get married, I wasn't up there.

Q How did you know they went up to get married? A I heard of them going up to get married.

Q And since that time they have lived together as man and wife?

A Yes sir.

Q That has been a good many years? A Yes sir.

BY COM'Y BENDERS:

Q Been acknowledged through the neighborhood as man and wife?

A Yes sir.

Q Everybody consider them man and wife? A Yes sir.

BY MR. WELLS:

Q That has been more than 10 years ago? A Yes sir.

Q They have got children almost grown? A Yes sir. First woman he married died, and he never had no children by her.

BY MR. BASTEN:

Q You remember seeing him go to get married? A Yes sir, he was going to get married, I never saw him.

Q You saw him when he started to get married? A He was going in a wagon with a woman.

Q You saw him? A Yes sir.

Q You don't know what year that was? A No sir.

Q But you remember the year you met him in Maryland? A Yes sir, I remember that year.

GEORGE W. LYCK, re-called, and further examined,

BY MR. WELLS:

Q Do you know anything about this man being married to his present wife? A Yes sir, I was right there present when he married.

Q Who is right there? A Old man Jesse Rowe, the father of Lewis Rowe.

Q Where was he married? A He was married right on this side of the river, there at Helen's Ferry, the old man had a little place there, right at his house; it was the fall of '94.

Com'Y Headlee: Jackson Fields applies for the enrollment of himself, wife and eight children hereto; he cannot be identified upon the authenticated roll of 1860 or the census roll of 1870; he is identified upon the Fern-Clifton roll according to pay and number of the roll as indicated in the testimony, and his four oldest children are also identified upon the Fern-Clifton pay roll; his four young children are not identified upon any roll; he makes satisfactory proof as to their birth; he swears that he was married to one Lucetta Johnson, who was the mother of said children; she is a non-citizen; he makes satisfactory proof as to their marriage, - they are all duly identified, and make satisfactory proof as to residence, consequently, Jackson Fields and eight children

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W. H. L.

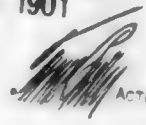


Continued on 22.

50771

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**  
JUN 19 1901

 ACTING CHAIRMAN



MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date June 19, 1911

Post Office Winters, Ga.

District Kel.

1. Name Jackson Fields Age 46  
 Owner's name Annie Ross Citizenship Cherokee  
 Year Kel. Page 140 No. 3484 District Geo

Parents:

Father Andy Fields Citizenship

Mother Phoebe Ross Citizenship

2. Name of wife ~~Elizabeth Fields~~ Age

Owner's name Citizenship

Year Page No. District

Parents:

Father ~~Douglas~~

Mother ~~Douglas~~

Names of Children:

|              |                  |                 |                 |                  |                  |
|--------------|------------------|-----------------|-----------------|------------------|------------------|
| James Fields | Year <u>Kel.</u> | Page <u>40</u>  | No. <u>3485</u> | Dist. <u>Geo</u> | <u>15</u>        |
| Elyse J.     | Year <u>"</u>    | Page <u>140</u> | No. <u>3486</u> | Dist. <u>"</u>   | <u>14</u>        |
| Heater       | Year <u>"</u>    | Page <u>140</u> | No. <u>3487</u> | Dist. <u>"</u>   | <u>18</u>        |
| Sister       | Year <u>"</u>    | Page <u>140</u> | No. <u>3488</u> | Dist. <u>"</u>   | <u>8</u>         |
| Alexander    | Year <u>"</u>    | Page <u>"</u>   | No. <u>"</u>    | Dist. <u>"</u>   | <u>6</u>         |
| William McR. | Year <u>"</u>    | Page <u>"</u>   | No. <u>"</u>    | Dist. <u>"</u>   | <u>4</u>         |
| Wesley       | Year <u>"</u>    | Page <u>"</u>   | No. <u>"</u>    | Dist. <u>"</u>   | <u>2</u>         |
| Chy M.       | Year <u>"</u>    | Page <u>"</u>   | No. <u>"</u>    | Dist. <u>"</u>   | <u>4 and 1/2</u> |
| 11.          | Year             | Page            | No.             | Dist.            |                  |
| 12.          | Year             | Page            | No.             | Dist.            |                  |

Application made by McR. Stenographer Mrs. Green

- 1 On Wallace roll, P. 188\*3453
- 2 " Kel. roll as John Fields
- 3 " " " " " Eliza "
- 4 " " " " " Susie "
- 5 189. Birth affidavits of birth required

Represented by Mellette and Smith



N~~o~~D 771

INDIAN TERRITORY,  
CHEROKEE NATION.

I hereby certify that I served the with-  
in notice on \_\_\_\_\_

by delivering a true copy thereof on the  
\_\_\_\_\_ day of \_\_\_\_\_ A. D. 1901

Given under my hand this \_\_\_\_\_  
day of \_\_\_\_\_ A. D. 1901.

\_\_\_\_\_  
Marshal for the Cherokee Nation.

I, the undersigned attorney for the  
within named applicant hereby accept  
service of the within notice on this the

\_\_\_\_\_ day of **SEP 1** A. 1901. 1901.

\_\_\_\_\_  
Attorney for applicant.

UNITED STATES OF AMERICA, }  
INDIAN TERRITORY, } s. s.  
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a  
true copy of the within notice to \_\_\_\_\_

\_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ A. D. 1901

Subscribed and sworn to before me  
this \_\_\_\_\_ day of \_\_\_\_\_ A. D. 1901.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

~~FILED~~  
SEP 18 1901

  
Acting Clerk

# NOTICE!

*IN THE MATTER OF* the application of Jackson Fields  
for enrollment as a Cherokee citizen:

Case No. D 772

To Jackson Fields or Mellette & Smith his Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Yuma, Indian Territory.  
Indian Territory, on Oct. 7th at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 17 1901

*L B Bell*

*W. H. Hastings*

*Attorneys for the Cherokee Nation.*

30-171

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

**FILED**  
SEP 20 1901

 ACTING CHAIRMAN

COMMISSIONERS:

HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRCKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, AUG 26 1901, 1901.

Received of the Commission to the Five Civilized  
Tribes one copy of the testimony in the matter of the  
application of Jackson Fields et al for en-  
rollment as Cherokee Freedmen.

Cher. Cherokee Freedmen # 10171

Mellett & Church  
Atty for applicants

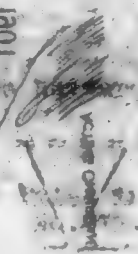
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OCT 15 1901

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COMMISSION TO THE LIVE COMBINED TRIBES  
DEPARTMENT OF THE INTERIOR



Chief of the Commission, being first duly sworn, deposes that he stands  
to the best of his knowledge and belief as reported to  
all the provisions in the above named and that he believes  
full, true and correct statement of the same.

Subscribed and sworn to before me this 15th day of October, 1901.

*[Handwritten signature]*

Notary Public



Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I. T. October, 8th 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Jackson Fields, O. F. D. 771.

APPEARANCES:

James S. Davenport for the Cherokee Nation  
Mellette & Smith for the applicants.

E. B. FRAZIER, being first duly sworn by Gen'r T. B. Needles, testified as follows on the part of the Cherokee Nation:

( By Davenport )

Q What is your name? A E. B. Frazier.

Q Where do you live? A Here in town.

Q What is your age? A 58.

Q How long have you lived in and around Vinita? A Since '77.

Q Are you acquainted with a colored man named Jackson Fields? A Yes sir.

Q How long have you known him? A Since '81 or '8.

Q Where did you first see Jackson Fields? A Here in the town of Vinita.

Q Did you have any conversation with him at that time? A Yes sir.

Q Please state the circumstances under which it arose? A Well I was in town with my wagon and was going out and he came to me and wanted to know if I was going out in the direction of Joe Lynch's and I told him that I was going to my farm which was in that direction, he asked me what would be the chance to ride as far as I went, and I told him he could ride and he rode with me six and a half miles to my home.

Q Had he been living in that part of the country before that time?

A I asked him where he came from and he said Fort Scott; I asked him if he was just moving into the country and he was, that he only knew his brother in law, Joe Buzzard or Lynch, and he said " I have just come in here and I am going to stay now and make my home here "

Q That was in '81 or '8? A Yes sir, I think in '83.

Q Have you seen him since? A Yes sir.

Q Do you know where he located? A Yes sir.

Q Where, with reference to your home place? A Eight miles southeast of where I live.

Q Has he been living there since the time you first saw him? A Yes sir, he has worked for me since then, some.

( By Mr. Smith )

Q You dont know if the man you saw there is the same one who has applied here for enrollment do you? A I know that is his name.

Q You are talking of a Jackson Fields you met in '83? A Yes sir.

Q You dont know if that is the same man who has applied in this case or not? A I know that that is his name, he has a brother named Calvin Fields; I know about all that live out in there.

Q There might be some other people around there that you dont know by that name? A Not if they live in around there.

Q Do you know every darky in Delaware district? A Every one that has been living there as long as he has, up around there.

Q You dont know were he was before the war? A He said he lived in Kansas during the war.

Q Do you know if he was in the Cherokee Nation immediately after the war? A No sir, only that he told me that he had not lived here since the war.

Q Was he by himself? A Yes sir, said he was just moving in.

Q What was he moving if he was by himself? A He said he had his folks in Kansas and that they were coming later.

( By Davenport )

Q You said he had a brother named Calvin? A Yes sir.

Q Have you seen him since that time? A Yes sir.

Q Have you seen Jackson Fields this morning? A No sir.

Q You have never heard of but one Jackson Fields in that locality?

A That is all.

2. He is under relation to Joe Buzzard or Lyncht? Yes sir, he said so.

-----  
This testimony will also be filed in the case of Calvin Rose, C.D., No. 777.

Chas. von Weise, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

*Chas von Weise*

Subscribed and sworn to before me this the 9th of October, 1901.



Commissioner.

HOFFMAN & SONS

TESTIMONY ON BEHALF OF THE CHEROKEE NATION.

File with C.F.D-971, Jackson Fields.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I.T., October 3, 1901.

In the matter of the application of Jackson Fields for enrollment as a Cherokee Freedman.

Appearances:

Mr. Mellette, of Mellette & Smith, attorneys for appl't.  
Mr. Davenport, of attorneys for the Cherokee Nation.

J. E. THORP, being seen by Commissioner Needles, testified as follows:

BY MR. DAVENPORT:

Q What is your name? A J. E. Thorp.

Q How old are you, Mr. Thorp? A 64.

Q Where do you live? A Iola, Kansas.

Q How long have you lived at Iola, Kansas do you think? A 44 years.

Q Since you have been living at Iola, Kansas did you get acquainted with the family of colored people by the name of Fields?

A I knew two boys, two brothers by that name.

Q What were their names? A Cal and Jack was the names they went by.

Q Do you know with whom they came to that country? A No sir, I do not.

Q When did you first see them at or near Iola, Kansas? A First I knew of them they were living just a block from me; I lived on West Street and they lived on Madison Avenue. That was after I was married, in fact the following winter of '67 and '8.

Q Now how long did they remain there, Mr. Thorp, to the best of your knowledge? A Oh they were about town for quite a while, and finally drifted out into the country on Deer Creek and to the north of Deer Creek.

Q I am speaking of how long they remained in the vicinity of Iola? A Jack was there a not there so long.

Q Did they stay there one year or more? A Oh yes, yes, certainly.

Q Well can you give an estimate? A Well Jackson as I say was probably there 6 or 8 or 9 or perhaps 10 years so far as that is concerned.

Q Did Calvin stay longer than Jackson? A He was there some two or three years longer, but I won't attempt to be specific; that was the elder of the two.

Q And they were there when you were married, along in '67 or '8?

A Oh I judge they were there at that time.

Q You saw them there the following winter? A Yes sir.

BY MR. MELLETTE:

Q How far is that from here to Iola, Kansas? A I couldn't tell you

Q Give us an idea? A About a hundred miles I guess.

Q How far is Fort Scott from Iola? A 42 or 44 miles, I don't know which, 42 miles exactly.

Q Did Jackson Fields ever live in Fort Scott? A I heard-

Q Now you are going on what you heard? A I don't know whether he was in Fort Scott or not, he was absent awhile.

Q You don't know whether the Jackson Fields you know was the Jackson Fields who applied here for citizenship or not? A Don't know, no sir, only what I have heard.

Q When did you first see the Jackson Fields you are talking about?

A On, I don't know just what lot, block 59-

Q I know, but when did you first see them? A ~~xxxxxxx~~ Why along in the winter of '67 and '8 after I married when I moved to town.

Q You fix that time absolutely? A Oh morally so, yes; so far as my memory goes, yes sir.

Q Was he a grown man at that time? A Oh no sir.

Q How old was he? A Well I judge as near as I can recollect I think from memory, he was probably between somewhere, 12 or 13 years

Jackson Fields 2

old.

Q Do you remember every little colored boy you saw up in this country in '67? A I remember them, from some peculiar conditions; they used to go over and chop wood for us.

Q Every colored man worked for you or your wife? A Yes, a good many did.

Q And you remember all of them? A Oh I can hardly fail to remember some of them.

Q Now 35 years ago you remember Jackson Fields as a little 12 or 13 year old boy, and remember the year that you saw him? A I can explain it to you if you wish.

Q I don't ask for any explanation, answer my question? A Yes sir, I remember him.

BY MR. DAVENPORT: I object right now; he said he wants to make an explanation and he has got a right to make it now.

COMMISSIONER NEEDLES: He can make the explanation at on cross-examination.

BY MR. MELLETTE: I don't care; let him make it.

A I saw the little boys under very adverse circumstances on a very cold morning.

Q You saw them on a cold morning did you? A Yes sir.

Q How low was the thermometer? A I don't know.

Q Is it possible that you didn't examine the thermometer 35 years ago? A I think I had one, but I don't think I consulted it.

Q Do you remember seeing Jackson Fields on a cold morning 35 or 40 years ago? A Yes sir; they were starting out with a little wagon.

Q How many cases have you been a witness in since you came down here? A I don't know sir.

Q As many as 10? A No, I think not.

Q Six? A Perhaps, yes, perhaps.

Q What other colored boys did you see up there 35 years ago besides Jackson Fields? A Oh there was numbers of them.

Q Only two? A Well there were not so many in there, but there were a few. Mr. Jonas Carter had two boys of his own.

Q How old were they? A I think they were little larger.

Q What kind of a morning did you first see them? A Oh I don't know.

Q How do you not remember the kind of a morning you saw the Carter boys? A I regarded them as being illy clothed for the weather.

Q What year did you see Jackson Fields? A I think about '68 is my memory, besides the first winter I lived in town; I married the 5th of March, 1867.

Q You were married how many years ago? A 5th of March, '67.

Q And you remember that it was the spring after you married that you saw this colored boy 13 or 14 years old? A Oh yes.

Q Now do you remember that? A I think I do; I wouldn't so state if I didn't.

Q You said awhile ago you were morally certain, what do you mean by that? A Oh well, practically so.

Q Practically? A Yes sir.

Q That means that you might be mistaken? A Oh yes, certainly, but I don't think I am; things will become vague in the lapse of time.

Q Who was the father of this Jackson Fields? A I didn't know him, I never saw him; if my memory serves me right they were the children of a second wife, Mrs. Carter by a former husband.

Q Who was Carter you are talking about? A Colored man up there by the name of Jonas Carter; been dead a great many years.

BY MR. DAVENPORT:

Q About what size was Jackson Fields when you last saw him before he moved away from there? A I expect he is as large as he is now; appeared to be small for his age.

Q Was he grown? A Yes sir, I expect he was.




Jackson File # 3

E. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

*E. D. Green*

Subscribed and sworn to before me this October 10th, 1901.



Commissioner.

CONTINUATION OF THIS CASE TAKEN BY STENOGRAPHER, CHARLES VON WRIEN.

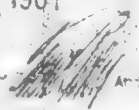


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DEPARTMENT OF THE INTERIOR,  
MISSION TO THE FIVE CIVILIZED TRIBES

FILED  
OCT 11 1901



ACTING CHAIRMAN

File this with the case of Calvin Ross, C. F. D. #777.

JACKSON FIELDS, C.F.D. 771

-a-

(Continued from stenographer M.D.Green, at Vinita, I.T. Oct. 7, 1901)

H.P. GRAY being first duly sworn by Com'r T.B. Needles, testified as follows on the part of the Cherokee Nation:

( By Davenport )

Q What is your name? A H. P. Gray.

Q How old are you? A 57.

Q Where do you live? A Iola, Kansas.

Q How long have you lived there? A 23 years.

Q Since you have been living in Iola Kansas or near there did you get acquainted with some colored people named Fields? A Yes sir.

Q What were their names? A Cal and Jackson Fields.

Q You went there about what year? A In December of '78.

Q How long had you been there before you got acquainted with these Fields boys? A Perhaps a week.

Q What business were you engaged in at Iola, Kansas? A I was hauling wood, I had four horses and not much money and was hauling wood, and they lived six miles north west of Iola, there is where I was hauling from.

Q How long did they live in and around Iola, Kansas? A Well I dont know six or seven years after that though.

Q Did they both leave at the same time? A No sir Jackson left a year or two ahead of Cal, Cal left there two or three seasons after Jackson left there.

Q Did either of them marry up there and have families of their own?

A Cal was married, I dont know if he married there.

Q Do you know if Jackson had a family? A No sir I dont.

( By Mellette )

Q Do you know if Jackson Fields, who is an applicant here for citizenship, is the same Jackson Fields who lived in or near Iola Kansas?

A I dont know anything about that.

Q You didn't know him before '78? A No sir.

Q You dont know where he was before that, if he was in Kansas or in the Territory? A They told me they were from the Nation.

Q Jackson Fields told you that? A I dont recollect now which one, but I think it was Cal that told me that.

Q They were brothers? A Yes sir.

Q Living together? A Yes sir when I first knew them they were.

Q You know that one of them, whom you think was Cal, told you that they had come from the Nation? A Yes sir.

Q And a few years after you saw them there they come back into the Nation? A Yes sir.

Q What were they doing there? A Chopping wood there.

Q Day's work? A Yes sir.

Q Following that all the time? A No sir, that was in the winter, they farmed in the summer and this was in the winter.

R. J. MORRIS, being first duly sworn by Com'r T. B. Needles, testified as follows: ( on behalf of the Cherokee Nation )

( By Davenport )

Q What is your name? A R. J. Morris.

Q How old are you? A 56.

Q Where do you live? A Iola Kansas.

Q How long have you lived at or near Iola Kansas? A Since '56.

Q Did you get acquainted with some colored people named Fields there in or near Iola Kansas? A Yes sir.

Q What were their first names? A Jackson and Cal.

Q When did you first become acquainted with these people? A Some time in '63 or '65.

Q Do you know with whom they come to that country? A With Jonas Carter

Q How long did they live there to your knowledge after you become acquainted with them? Some time, I can't tell the years.  
Q About how many years? A They were not grown when I first became acquainted with them and they were both married when they left there and Jackson left his woman, she is there now.  
Q What is her name, what was her name before he married her? Fannie—  
I know the name if I could think of it.  
Q She is there yet? A Yes sir.  
Q How many years ago was it that Jackson left his wife Fannie up there? A From 16 to 20 years ago.

( By Mellette )

Q Do you know whether the Jackson Fields that has applied here for citizenship is the Jackson Fields you are talking about? A I don't know, I haven't seen him.

Q Where was that Jackson Fields that you are talking about, in '86?  
A I can't say positively if he was there then or not.

Q Where was he in '87? A I can't say positively about that, I know he was there and come there, I think, with Jonas Carter, I wouldn't be positive where he was in '87.

You have just about as good a recollection of these two particular men thirty five years ago as you would have of any other two colored men haven't you? A Well I can't remember everything about them exactly.

( By Davenport )

Q How near to them did you live? A Close by on the same farm.

( By Mellette )

Q Is this Jackson Fields? ( Pointing to a colored man named Lewis T. Brown, sitting beside him ) A I think that is the boy, yes that is the boy ( don't you remember me—WITNESS OF APPLICANT— )

Q You think this is the Jackson Fields that you saw up there do you?

A Yes sir that looks like him, it has been 16 or 18 years since I saw him.

M. G. ROBINSON, being first duly sworn by Sam'l T. B. Needles, testified as follows on the part of the Cherokee Nation:

( By Davenport ) Q What is your name? A M. G. Robinson.

Q What's your age? A 59.

Q What is your post office? A Iola, Kansas.

Q How long have you lived there? A Ever since the spring of '79.

Q Did you get acquainted with some colored people named Fields up there? A Yes sir some little acquainted with them.

Q What were their first names? A Jackson and Cal.

Q What size were they when you first got acquainted with them? A They were grown, Jackson was not very large, but I think they were grown.

Q Are they living there now? A I think they have moved away from there.

Q How many years did you know them there? A I hardly know now, I was acquainted with them—well I don't know how soon after I got there that I got acquainted with them—anyway they left there about 15 or 20 years ago.

Q Did they live there after you got acquainted with them more than a year? A I think they did, I am satisfied they did, but am not positive.

( By Mellette )

Q You don't know what year you got acquainted with them? A No sir.

Q Or how long they lived there after that? A No sir.

Q How far is it from here to Iola Kansas? A I can't say.

Q About a hundred miles? A Somewhere about there.

Chas. von Weise being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the above proceedings and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this 10th of October, 1901.

*(Signature)*  
Commissioner.

(SEAL)

THE UNIVERSITY OF CHICAGO

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Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209, filed in the Mariah Hayden case F. D. 428, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Jackson Fields, D 771;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicants be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to



in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Retzenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL)

(Signed) P. G. Reuter,  
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

Subscribed and sworn to before me this July 29, 1902.

*E. C. Bagwell*  
*P. G. Reuter*  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Jackson Fields for the enrollment of himself and minor children, James, Eliza J., Hester, Sisley, Alexander, William McK., Wesley and Oby M. Fields, as Cherokee Freedmen.

DECISION.

The record in this case shows that on June 19, 1901, Jackson Fields appeared before the Commission at Nowata, Indian Territory, and made personal application for the enrollment of himself and minor children, James, Eliza J., Hester, Sisley, Alexander, William McK., Wesley and Oby M. Fields, as Cherokee Freedmen. Further proceedings in the matter of said application were had at Vinita, Indian Territory, on October 9 and 8, 1901.

The evidence shows that the applicant, Jackson Fields, was the slave of a Cherokee citizen at the commencement of the rebellion; that, during said rebellion, he left the Cherokee Nation and did not return thereto within the time specified, in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitwire, trustee, etc., vs. The Cherokee Nation, et al., for the return of freedmen to said Nation. All the other applicants herein have been born since 1866 and are descendants of and claim right to enrollment through the said Jackson Fields.

None of the said applicants are identified on the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the application for the enrollment of Jackson Fields, James Fields, Eliza V. Fields, Hester Fields, Sisley Fields, Alexander Fields, William McK. Fields, Wesley Fields and Oby M. Fields, as Cherokee Freedmen, should be denied under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1896 (30 Stats., 498), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED.

*Tame Kirby*

Chairman.

SIGNED.

*T. D. Needles*

Commissioner.

SIGNED.

*C. S. Irick*

Commissioner.

Nowata, Indian Territory,

this

JUL 29 1904

COMMISSIONER.

*Copy*

DEPARTMENT OF THE INTERIOR, (CHEROKEE DIVISION)

BEFORE THE SECRETARY OF THE INTERIOR, WASHINGTON, D.C.

IN THE MATTER OF THE APPLICATION OF JACKSON FIELDS FOR ENROLLMENT OF  
HIMSELF AND EIGHT CHILDREN AS CHEROKEE FREEDMEN:  
( BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES ).

APPLICATION OF JACKSON FIELDS FOR A REOPENING OF HIS CASE  
AS ABOVE ENTITLED.

APPLICANT JACKSON FIELDS ON BEHALF OF HIMSELF AND EIGHT CHILDREN  
JAMES, ELIZA J., HESTER, SIGLEY, ALEXANDER, WILLIAM MCK., WENLEY AND ONY M.,  
FIELDS, PRAYS THAT THE SAID CASE AS ABOVE ENTITLED BE REOPENED AND THAT  
HE BE GIVEN A HEARING OF THE SAME BEFORE THE COMMISSION TO THE FIVE  
CIVILIZED TRIBES OR THE SECRETARY OF THE INTERIOR, AS IS THE PRACTICE,  
ON THE GROUND OF NEWLY DISCOVERED EVIDENCE—WHICH IS MATERIAL AND IMPORT-  
ANT IN THE DETERMINING OF HIS RIGHTS AND THE RIGHTS OF HIS SAID CHILDREN,  
AND WHICH APPLICATION HE SUPPORTS BY THE ATTACHED AFFIDAVIT-TO-WIT:

INDIAN TERRITORY,  
NORTHERN DISTRICT—SS:

Before me Harry R. Warner a Notary Public in and for  
the Northern District of the Indian Territory, personally appeared Jack-  
son Fields, the applicant in the foregoing and accompanying petition,  
who, after being first duly and legally sworn upon his oath, deposes  
and says:

I am the petitioner in the foregoing entitled petition to the Secretary  
of the Interior. I am 49 or 50 years of age and my full name is Jackson  
Fields. That I have discovered new and important evidence bearing upon  
my right as a Cherokee Freedman Citizen, as well as the rights of my child-  
ren, since the hearing of the said case before the Commission to the Five  
Civilized Tribes, at Nowata I.T., and other places in the Indian Terri-  
tory, if there was any such testimony taken at other places. That this  
testimony is material and relevant to the question as to my rights as  
a Cherokee Freedman Citizen, and that it was impossible for me to produce  
the same at the time of the first hearing of my said case because I did  
not know of its existence. I did not have any means of knowing of its  
existence and could not for that reason obtain any information thereof.

That at the time of the first hearing of the said case the Commissioner  
in charge of the taking of testimony informed me that there was no need  
of me looking for further evidence—and that I did not learn of its ex-  
istence until after the closing of the said hearing and the removal of  
the office and the apparent closing of the case. That it was no fault  
nor was it due to any negligence on my part that this testimony was not  
produced at that hearing of the case. That I was about 10 or 12 years  
of age at the time I came back to the Territory and that I had just been  
freed from slavery, and was an orphan, and had to look out for myself,  
and support myself by labor and was too ignorant to know what my full  
rights were. I remained in a state of ignorance and was at the time of  
making my application for enrollment ignorant and without any knowledge  
as to what my rights were and did not have any means of looking up evi-  
dence that others more enlightened would have possessed. That I used all  
the diligence that my faculties and my poor condition would permit me to  
use, and rested in the belief that I had procured all the testimony that  
I needed in establishing my claim. That I never knew what the testimony  
of the witnesses was who testified against me in the case, until some  
time in September, 1894; that I was not present when they testified and  
had no means of knowing what their testimony was. That since I have learned  
what they testified to I have hunted among those who were most apt to know  
the facts in the matter—and have found four creditable persons who will  
testify as to the time when I came back to the territory after the war  
and as to what I have done since and where I have remained and worked  
since that time. That the names of these witnesses are as follows—

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James Ragsdale, Robert Foster, Joe Lynch and Arthur Bean. That each of said witnesses will swear therein as follows—

Robert Foster will swear that he saw Jackson Fields at Joe Lynch's place in the fall of 1888, on Grand River, in the Cherokee Nation, in the Indian Territory—and that he lived with Joe Lynch all the following winter—that witness became well acquainted with him—and saw him frequently in that neighborhood after that—and that after he got married witness knew that he had lived continuously in the Cherokee Nation.

James Ragsdale will swear that he saw Jackson Fields in the fall of 1888, and saw him first at Parker's Store, on Cessac Creek Bend, on Verdigris River, just after his return from Kansas—that he knew both his (Fields') parents before the war—and that he afterward saw him on Grand River—and that he is positive that it was in the fall of 1888 when he saw him with a certain Mose Carter—and that he cannot be mistaken as to the time.

Joe Lynch will swear that Jackson Fields lived at his house on Grand River, in the Cherokee Nation during the fall of 1888 and during the winter following—up till summer time again, and that he was there off and on after that time until he married, when he has lived continuously ever since.

Arthur Bean will swear that said Jackson Fields lived on Grand River, in the Cherokee Nation during the fall and winter of 1888, and that he saw him there and knew that it was him, and that he lived there and staid there until the following spring and that he was there off and on after that for years until he married when he has been continuously in the Cherokee Nation.

All of which statements are true and all of which applicant could have proven by these witnesses had he been able to find that they knew these facts. That affiant did not remember as to the names of all the persons whom he met in the fall of 1888 as he was of tender years and little knowledge—but that these witnesses are all entitled to credit and are worthy of belief.

Wherefore he asks that his case be reopened and that the testimony of these said witnesses be received and that he be granted the privilege of filing herewith sworn statements of the said persons—and that they be received and considered by your Department. He does herewith filed affidavits of the foregoing named witnesses and they are made a part of his application, and he asks for judgment as prayed herein—and desires that these witnesses be allowed to testify in his case. I appoint Charles B. Rogers and S. R. Glover as my attorneys. Witness the hand of the said affiant this 23<sup>rd</sup> day of November 1904,

Jackson Fields  
Post Office Vinita, I.T.

Subscribed and sworn to before me this 23<sup>rd</sup> day of November, 1904.

See 3

Harry R. Wasson

Notary Public.

My commission expires January 21, 1908

THE FOREGOING PETITION IS RESPECTFULLY SUBMITTED.

Charles B. Rogers  
Attorneys for applicant.  
Post Office, Vinita, I.T.

Copy

United States of America  
Northern Judicial District } DO  
Indian Territory }

Before me J. W. Ketchell a Notary Public in and for said District and Territory came Jonas Reggale of lawful age who being duly sworn deposes and says that he is 67 years of age and is enrolled on the Cherokee Authenticated roll of 1880, and upon all other rolls. I was born in the Cherokee Nation and served in the United States Army during the war and I came back to my home in the Cherokee Nation in the spring of 1866 and from that time to this have lived in the Cherokee Nation.

We had only two trading posts, Hubbs and Old Parkers on Goose neck bend on the Indogree River both in the Cherokee Nation, Indian Territory. While I was trading at Old Parker's store in the fall of 1866, Mose Carter came in from Kansas in a wagon with his family, and also had this boy Jackson Fields with him. He was not over 12 years old. I had known both his father and mother before the war and I knew him when he was a little kid and recognized him at once. When I next saw him, it was at Grand River, Cherokee Nation, Indian Territory a year or 8 years afterwards. I do not know where he was living during the between times. I am positive of seeing him in the fall of 1866 at Parker's store with Mose Carter, and I cannot be mistaken. Since that time he was on Grand River, I have often seen him in the Cherokee



notion but after he got married he has always  
been <sup>here</sup> in the Charlotte station

(Signed) Jonas <sup>Has</sup> Ragdale  
mark

Witness to mark

J W Ratchoff

W A McGeorge

Subscribed and sworn to before me on this 27<sup>th</sup>  
day of September 1904 A.D.

(Seal)

J W Ratchoff

Notary Public

My Commission Expires April 4, 1908.

Cope

United States of America }  
Northern Judicial District } ss  
Indian Territory }

Before me W. H. Hutchiff a Notary Public in and for said District and Territory came Robert Foster of Lawful age, who being duly sworn deposes and says that he is over 55 years of age and was a slave of Elizabeth Foster, a Cherokee citizen, by blood. He first became acquainted with Jack Jackson Fields in the fall of 1866, on Grand River, at Joe Lynch's place in the Cherokee Nation. He was living with Joe Lynch. He was a boy, about 10 or 12 years old. I do not know who he came <sup>with</sup> to the Cherokee Nation.

We were soon acquainted for we were both slaves. He stayed all that winter and afterwards was there off and on. Sophia Lynch, the wife of Joe Lynch, was his sister and he lived with them. I am positive that Jackson Fields was living at Joe Lynch's place from the fall of 1866 till the opening of 1867. I lived in the same neighborhood and often, since that time I would see him there, off and on, but after he got married he has continuously lived in the Cherokee Nation Indian Territory not far from me.

(Signed) Robert Foster

Subscribed and sworn to before me on this 27th day of  
September 1870

(Seal)

W. H. Hutchiff  
Notary Public  
My Commission Expires April 14, 1878

Copy

United States of America  
Northern Judicial District }  
Indian Territory }

Before me J W Rateliff Notary Public in and for  
said District and Territory came Joe Lynch of lawful  
age, who being duly sworn, on his oath, does depose and  
say, that I am 62 years of age and was a slave of Joe  
a Cherokee citizen by blood. I was born in the  
Cherokee Nation and went north during the war  
and enlisted in the United States Army and served  
three years and was discharged, and returned  
to the Cherokee Nation in the fall of 1866 and have resided  
here ever since. I was not acquainted with the father  
of Jackson Fields who is an applicant for enrollment,  
but I knew his mother Chancy Ross who was a slave  
of Susie Ross, a Cherokee citizen by blood.

His mother went to Kansas the same time I did and I  
saw her there after peace was made and she died in Allen  
County, Kansas. Our masters and mistresses were  
acquainted and the slaves know each other well.

Jackson Fields was about 10 or 12 years of age when  
he returned to the Cherokee Nation in the fall of 1866,  
it might have been in the early part of the winter.

He came to my home and farm in Delaware District  
Cherokee Nation, Indian Territory. His sister Sophia  
Fields was my wife and he lived with me all  
winter and then went away and came back.  
He just moved around as he had no one

to look after him. He would come back and settle  
awhile and then go away and come back again,

After he got married about 26 years ago, he  
has staid in the Cherokee Nation ever since.

Mose Carter brought him to the Nation, as I understood

(Signed) Joe Kyrach

Subscribed to and sworn before me this 17<sup>th</sup>  
day of October 1904. A.D.

(Seal)

J. W. Ratcliff  
Notary Public

My Commission Expires April 4, 1908.

Copy

United States of America,  
Northern Judicial District of Ark.  
Indian Territory

Before me J. W. Catlett a Notary Public in and for said District  
and Territory came Arthur Bean of lawful age who being  
duly sworn deposes and says, That I am 61 years of age  
and am a Cherokee Freedman and was born in the Cherokee  
Nation and I went to Kansas and was taken there by the  
orders of the United States Army and after the war I  
came back to the Cherokee Nation in the latter part of  
September and the first part of October 1866, and was in  
the "Horse Creek Fight" with my brothers George, Lott,  
Joe and other persons and I have resided here in the  
Cherokee Nation ever since.

I was well acquainted with Andy Fields, a slave of  
George Fields, a Cherokee citizen and with Chaney  
Ross, a slave of Jessie Ross a Cherokee citizen.

Andy Fields and his wife Chaney Fields nee Ross were  
the father and mother of Jackson Fields

Andy Fields was taken south by his owner and Chaney  
Fields nee Ross was taken by the United States Army to  
Kansas and she died in Kansas but I do not know when.

I knew Jackson Fields before the war and after the war,  
in January, 1877 near the first day I met and Jackson  
Fields at the home of Joe Lynch, his brother in law,  
in the Cherokee Nation, Indian Territory, and of the year  
I was present. He stayed there that winter and



then went off and came back and I do not know  
where he had been for he was only a boy about 10 or 12  
years old and had no one to look after him and  
he was like all other boys who had no mother to keep  
him right but after he had got married he has been  
living in the Cherokee Nation continuously ever since

I am certain that he was in the Cherokee Nation in January,  
February and March 1867 for I have seen him frequently.

I am likewise acquainted with his sister (see Lynch's  
note) and in fact was well acquainted with all of  
Jackson Fields' brothers and sisters

Witness to Mark

Arthur <sup>the</sup> Bear  
mark

JW Hatchiff

O A Smith Subscribed and sworn before me this 31<sup>st</sup> day of December

1867

JW Hatchiff

Notary Public

(Seal)

My Com. exp 4/4/68

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Jackson Fields as a Cherokee freedman, C. F. R. 452.

## Stimulation

It is hereby agreed between S. B. Rogers, Esq., representing the applicant, and the attorneys representing the Cherokee Nation, that the above numbered and styled case may be continued from Thursday September 7, to Thursday September 14, 1906, for trial.

Chas Rogers

**Attorney for Plaintiff.**

*Bell, Harty, Thompson & Co.*  
Attorneys for the Cherokee Nation

Attorneys for the Cherokee Nation

RECEIVED

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Cherokee Freedman R-452.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF THE COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I. T., SEPTEMBER 14, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of JACKSON FIELDS ET AL., as Cherokee freedmen.

APPEARANCES:

For Applicants, Chas. B. Rogers.

For Cherokee Nation, W. W. Hastings and J. S. Davenport.

The attorneys for the applicants and the Cherokee nation were notified that this case would be taken up for further hearing on September 7, 1905, and by stipulation of the attorneys on both sides the case was continued until nine o'clock A. M. September 14, 1905.

JONAS RAGSDALE, being first duly sworn, testified as follows:

BY MR. ROGERS:

- Q What is your name? A Jonas Ragdale.
- Q Where do you live? A I live up in near the Island Ford.
- Q What is your age? A As near as I can guess at it, it is about 65 or 66 years old.
- Q Do you know definitely about that? A No sir, I don't know that, the first year the commission was taking census I was 64.
- Q Are you a citizen of the Cherokee nation? A Yes sir.
- Q Are you on the 1860 roll? A Yes sir.
- Q Do you know Jackson Fields? A Yes sir.
- Q How long have you known him? A I have been knowing him all the time.
- Q Did you know him before the war? A Yes sir.
- Q I will ask you if you were acquainted with his father? A Yes sir.
- Q What was his father's name? A His name was Andy.
- Q Did you know his mother? A Yes sir.
- Q Do you know what her name was before she married? A Chaney Ross.
- Q Did you see Jackson Fields sometime after the war? A Yes sir.
- Q Do you know what year that was, the first time you saw him after the war? A It was in the fall of 1866.
- Q State to the commissioner where you first saw him in the fall of 1866, and who he was with? A I was up here near Gooseneck Bend, he was with Andy Carter, no Mose Carter.
- Q Where was he going to, Mose Carter and this boy? A He was going down here, home.
- Q From where? A From Kansas.
- Q From Kansas? A Yes sir, Mose he had a place up in the Gooseneck Bend and he was coming to it.
- Q Did you know Mose Carter before that time? A Yes sir, I was acquainted with him in the time of the war.
- Q Did he settle in the Cherokee nation himself? A Yes sir, here in the Gooseneck Bend.
- Q Is he living or dead? A He got killed.
- Q Was he enrolled after that as a Cherokee freedman? A Yes sir.
- Q Do you know whether, I will ask you if he had any children?
- A Yes sir, he had two living.
- Q Do you know whether they are Cherokee citizens now? A I guess they is.

Mr. Davenport: I object to his guessing, the record will show those things.

- Q Did you know this boy Jackson Fields when you saw him with Mose Carter in the fall of 1866? And did you know who he was? A Yes sir.
- Q Did you see him afterwards in the Cherokee nation? A Yes sir, I saw him afterwards out herson Grand River, I don't know what time and what year it was though.
- Q Do you fix the time that Mose Carter came back from Kansas in the fall of 1866? A Yes sir.
- Q Or in the year 1866? A In the fall of '66.
- Q Can you swear positively that it was in 1866? A Yes sir, I was living out there on Pryor Creek at that time.
- Q About how old was Jackson at that time? A I don't know exactly how old he was, I reckon he was about between 10 and 12 years old.
- Q Do you know Joe Lynch? A Yes sir.
- Q Did you ever see Jackson at Joe Lynch's house after that? A I have seen him there lots of time.
- Q How far did you live from Mose Carter at the time you saw him coming back? A We called it about 30 or 35 miles, it might not have been that far.
- Q How did you come to be at Gooseneck Bend? A I was going up there hunting something to eat.
- Q Was that your trading post? A Yes sir, it was the trading post up in there and at Fort Gibson, was the only trading posts we had at that time.
- Q Do you know Joe Lynch's wife? A Yes sir.
- Q Do you know whether she is related to Jackson Fields? A Yes sir, she is a sister.

BY MR. DAVENPORT:

- Q How old did you say you were? A I am about between 66 and 67.
- Q Did you remain in the nation during the war? A No sir, part of the time I did, I was a soldier.
- Q When did you return to the nation after you left it, if you left it at all? A Was away part of the time.
- Q Well what time of the year? A I returned you mean.
- Q That is what I said? A I returned in the spring of 1866.
- Q Were you in the service when the war closed? A Yes sir.
- Q Where were you mustered out? A At Camden, Arkansas, and discharged at Leavenworth.
- Q How long after you were discharged did you start back to the Cherokee nation? A In the spring.
- Q What time of the year were you discharged? A It was along in November.
- Q You had known Jackson Fields before the war you say? A Yes sir.
- Q When you came back to the Cherokee nation what point did you come to? A I come from Iola.
- Q When you were discharged at Fort Leavenworth, Kansas, where did you go? A To Iola.
- Q How far is that from Fort Leavenworth? A I don't know exactly how far it is.
- Q You were a grown man? A Yes sir, but I don't know just exactly how far it was.
- Q When you got to Iola where did you go? A Until along in the spring, I come down here.
- Q What season of the year did you start back to the Cherokee Nation? A In March.
- Q That was of what year? A In '66.



- Q Who came with you when you came back to the Cherokee Nation?  
A A whole lot of us, the Ross family, Billy, Latis, and a boy of his family come with us.
- Q You had known these parties before the war? A Yes sir.
- Q Now when you got to Iola what caused you people to start back in March of 1866? A Cause they said we had to get back here at a certain time.
- Q What was the occasion of them telling you that you had to get back here at a certain time? A It was the Treaty.
- Q They told you in March 1866 there had been a Treaty made? A It was they said.
- Q In March, 1866? A It was advertised there in Kansas among the people.
- Q Did you hear and do you undertake to say that there was an advertisement of a Treaty made in March, 1866? A That is what they said.
- Q Was that the occasion of your coming back in March, 1866? A I couldn't say.
- Q You know what caused you to come back? A I come back because this was my native home and I thought I had a right here.
- Q Did you think you had a right because of having left her for the Treaty give you a right? A The Cherokee give me a right.
- Q By what way? A That is what they say.
- Q Was you informed at Iola, Kansas, before you started back to the Cherokee Nation in March, 1866, that by the Treaty with the Cherokee nation, they had given you a right? A They said it was advertised in the papers.
- Q Tell what it was that was advertised in the papers? A All return back home and I come.
- Q It just simply said for all of them to come back home? A It said to get your right they had the same right and privilege as a natural born Cherokee.
- Q That was advertised before you started from Iola, Kansas? A Yes sir.
- Q And you were informed that that Treaty was made? A Yes sir.
- Q Now you and some of the Rosses started back under that notice?  
A Yes sir.
- Q When you came from Iola under that information to what point in the Cherokee Nation did you come? A I come on down and went away down below here on Pryor Creek.
- Q Below where? A On Pryor Creek there, on Choteau.
- Q You came from Iola, Kansas, to Pryor Creek and then on down to Choteau Creek? A Yes sir.
- Q What season of the year did you come down there? A To make a crop in '66.
- Q Now that was on Choteau Creek near Grand River? A Yes sir, it was near Grand River.
- Q And not far from where the town of Choteau is now? A Yes sir, it was not in that direction, it was another little creek, west of Pryor Creek.
- Q That was in there on Dog Creek? A Lets see, no Dog Creek is a long ways from there.
- Q You were not as far west as Verdigris River? A No sir.
- Q You were not as far north as where the town of Chelsea is now?  
A No sir, I was farther south.
- Q Had you made your crop before you claim you saw these people, before you saw this applicant? A Yes sir.
- Q Had you gathered your crop? A No sir.
- Q Where were you going when you met them? A Coming up in the edge of Kansas, and there was a little store there they called Parker.

- Q You were going then to a trading point or store that was just over the line in Kansas by the name of Parker? A Yes sir, a little town started there they called Parker.
- Q You were on your way, what year it may be, when you saw Jackson Fields? to the town of Parker that was just over on the Kansas side from the Cherokee line? A Yes sir, it was on the other side just across the line.
- Q Did you go on to Parker at that time? A Yes sir.
- Q Was Parker there running a store then? A I don't know who it was then.
- Q There was a store being runned in the town of Parker, was there not? A Yes sir.
- Q And you bought goods there? A Yes sir, we bought goods there off and on all the time. We only had Fort Gibson and there.
- Q Did Mose Carter have a farm up there at that time? A No sir.
- Q Did you see any farm or house on the road from the time you left your house until you got to the town of Parker? A No sir, there wasn't much settlement.
- Q Who else did you see on the road besides these tow men. A I never seen any more, he come in and settled there right in Gooseneck.
- Q That town settled then? A Mose had come down and located his place.
- Q Had you passed the place when you met him? A Yes sir, I was past above the place.
- Q You didn't see this place on this trip at all? A I knew pretty much where it was.
- Q Did you see it on this trip? A No sir, not at that time.
- Q Now you went from Choteau Creek clear there to Parker on the Kansas line and didn't see any house or anybody else, and met nobody but Jackson Fields, is that right? A No sir, I don't believe I did.

BY MR. ROGERS:

- Q You say you were mustered out sometime in February before you came down? A Yes sir.
- Q Do you know what year you were mustered out? A It was in October I think we were mustered out.
- Q What year? A It was in '65 I think.
- Q Now you got down here in the Cherokee Nation along with other families that came for the purpose of claiming your rights? A Yes sir.
- Q Did you hear your rights discussed up there in Kansas before you came down? A I never heard them discussed.
- Q Talked about by the people? A Yes sir.
- Q You don't know whether the Treaty had been ratified at that time? A I heard the Treaty was ratified in '66 or '65.
- Q Did you hear about Congress taking the matter up along that winter? A Yes sir, I heard something about it, I disremember just how it was at that time. I tried to get back here in time and did come back in time.
- Q Can you say that it was the same year that you came back that Mose Carter and Jackson Fields came back? A Yes sir, it was in '66.

BY MR. DAVENPORT:

- Q You had come down and made a crop before they came, hadn't you?
- A Yes sir, I came in the spring and made a crop during that summer.

W I T N E S S E X C U S E D.

ROBERT FOSTER, being first duly sworn, testified as follows;

BY MR. ROGERS:

- Q What is your name? A Robert Foster.  
Q Where do you live? A Grand River.  
Q What nation? A Cherokee Nation.  
Q What is your age? A something over 55.  
Q Are you a citizen of the Cherokee Nation? A Yes sir.  
Q How long have you lived there on Grand River? A Ever since '66.  
Q Do you know Jackson Fields? A Yes sir, I knew him when he was a boy.  
Q Did you know his father? A No sir.  
Q When did you first know Jackson? A '66.  
Q Where did you first see him in 1866? A On Grand River.  
Q At whose house? A Joseph Lynch.  
Q Joe Lynch related to him in any way? A Brother-in-law.  
Q Do you mean to say that Jackson's sister is Joe's wife? A Yes sir.  
Q Have you known Jackson Fields since that time, ever since 1866 when you first saw him? A After he went away and come back.  
Q I say have you known him since that time? A Yes sir.  
Q How far did you live from Joe Lynch there during the fall of 1866? A I lived about something like two and a half miles or three, I wasn't married then, I lived with first one person and then another.  
Q Did you see Jackson frequently? A I saw him in the fall of '66 along again in the winter and after that I never seen him any more until he come back to the country and married.  
Q Did you know, or do you know the month about the month in the fall in 1866 when you first saw him? A No sir.  
Q Was it before winter set in? A It was in the fall of the year, I don't know what month it was.  
Q Where did he stay that winter? A With Joe Lynch part of the time, and other neighbors, when I seen him he was with Joe.  
Q You were out of that neighborhood part of the time, after that winter, in and out? A Out of that neighborhood, I didn't go far.  
Q Jackson didn't have any permanent home did he? A Not particular as I knew of.  
Q Stayed first one place and then another? A Yes sir.  
Q But principally at Joe Lynch's? A Yes sir.  
Q Do you know positively that this was in 1866? A Yes sir, it was in the fall of '66.  
Q I will ask you if at that time there were other freedmen coming back into the Cherokee nation from Kansas? A No sir, I don't remember.  
Q Were you out of the Cherokee nation during the war? A Yes sir.  
Q Where were you? A Texas part of the time in Texas part here in the Cherokee Nation.  
Q Do you remember what time you arrived back in the Cherokee Nation? A Yes sir.  
Q When was that? A In the spring of '66 in May, I don't know what day it was.  
Q Are you positive it was the same fall following that that Jackson Fields came there to Joe Lynch's? A Yes sir.

BY MR. DAVENPORT:

- Q You are 55 now? A Yes sir, something over 55.  
Q You knew Jackson Fields before the war? A No sir.  
Q You never knew him until after you returned after the Civil War had closed? A Yes sir, and he was a boy.  
Q You say that was in 1866? A Yes sir.

- Q Now what is it you fix your memory upon to make you know it was 1866? A The way I fix it the folks say it was '66.
- Q You were only then about 15 or 16 years old? A Somewhere along there.
- Q Can you tell me what year the wallace roll was made? A Not exactly, it was made in 1889.
- Q And the Kern-Clifton roll was made when? A '96 if I mistake not.
- Q Now you say the first time you saw Jackson Fields you saw him at the house of Joe Lynch? A Yes sir.
- Q Is that the man sometimes known as Joe Buzzard? A Same man.
- Q You don't know anything about where Jackson Fields was during the war? A No sir.
- Q You never saw Jackson Fields in the Cherokee nation after the war until you saw him at the house of Joe Lynch, who is sometimes called Joe Buzzard? A Yes sir.
- Q You say you saw him at Joe Lynch's house and then how many years was it afterwards until you saw him again? A I disremember how many years it was.
- Q Did you see him any more from the time you saw him there at Joe Lynch until the time that Mr. Wallace came down to make the roll? A Yes sir, I seen him before that.
- Q Was he married at the time you saw him at Joe Lynch? A No sir, when I first seen him he was just a little boy.
- Q How large was he? A A boy little over 10 or 12 years old.
- Q You think then at the time you saw him there he was 10 or 12 years old, A Yes sir, as near as I can guess at it.
- Q When you saw him the next time how many children did he have? A Didn't have near one as I know of.
- Q Hadn't married then? A He wasn't married the next time I seen him.
- Q How long was it after you first saw him until he married? A I don't remember that.
- Q Do you know when he was married? A On Grand River there in the neighborhood.
- Q When you saw him you say he was at Joe Lynch or Joe Buzzard? A Yes sir.
- Q And the year you say is 1866? A Yes sir.
- Q But he wasn't on Grand River until Joe Lynch got back there and was living there. You never saw him living on Grand River until Joe Lynch got back and was living there? A That is right.
- Q He didn't come before Joe Lynch came did he? A No sir.
- Q Joe Lynch had returned and was keeping house on Grand River before you ever saw Jackson Fields? A Yes sir.
- Q And Jackson came down there after Joe got back? A Yes sir.

W I T N E S S E X C U S E D.

ARTHUR BEAN, being first duly sworn, testified as follows:

BY MR. ROGERS:

- Q What is your name? A Arthur Bean.
- Q Where do you live? A Up on Grand River.
- Q What nation? A Cherokee.
- Q What is your age? A About 62 years old I guess now.
- Q I will ask you if you were born in the Cherokee Nation? A Yes sir.
- Q Did you know Jackson Fields along about the time of the Civil War? A Yes sir.
- Q You were acquainted with his father? A Yes sir.
- Q What was his father's name? A Andy Fields.
- Q Did you leave the Cherokee nation during the war? A Yes sir.

- Q Where did you go? A To Kansas.  
 Q State of Kansas? A I was there, didn't stay there.  
 Q Did you return to the Cherokee nation after the war before 1866?  
 A Yes sir, in the fall.  
 Q What time in 1866? A Along in the fall I guess.  
 Q Are you positive that you returned in the fall of 1866? A Yes sir, I guess I do.  
 Q Were you a Federal soldier? A Yes sir.  
 Q Did you know Jackson Fields before you went away from the Cherokee nation? A Yes sir.  
 Q About how old was he at that time? A I don't know how old he was, he was a little boy.  
 Q Did you see him after he returned to the Cherokee nation in 1866?  
 A No sir, I didn't see him in '66.  
 Q Did you see him after you returned to the Cherokee nation in 1866?  
 A I seen him afterwards.  
 Q When was it you saw him? A Along in '67 sometime.  
 Q What time in the year? A Along in the winter time.  
 Q Can you name the month? A It was either January or February, shortly after Christmas.  
 Q Where was he living at that time? A I really don't know where he was.  
 Q Was it in the neighborhood where you lived? A He was passing through.  
 Q Did he have any fixed abode? A He said he was stopping with Joe Lynch.  
 Q Who was Jackson's mother? A Chaney Ross.  
 Q Did she return from Kansas? A I couldn't tell you.  
 Q Have you known Jackson Fields since that time? A Yes sir, ever since then.  
 Q Have you seen him frequently in the Cherokee nation since January or February, 1867? A Yes sir, I have seen him frequently.  
 Q Has he made that his home? A Ever since I knew him, he wasn't regular stationed down, he was a boy that passed in and out.  
 Q Do you know whether his mother was dead at that time? A No sir, I don't.  
 Q About how old was Jackson when you saw him there in the winter of 1867? A He was just a boy, pretty good size boy.  
 Q About how old? A I guess he must have been about 14 or 15 years old, might have been older, he was a little boy before the war.  
 Q You don't know how old he was? A No sir, I don't know how old he was.  
 Q You say positively that he was in the Cherokee nation in the month of January or February, 1867? A Yes sir, he was here, I would not be positive until he married here.  
 Q He married in the Cherokee nation? A Yes sir.  
 Q On Grand River? A Yes sir.

BY MR. DAVENPORT:

- Q You never saw him until after Joe Lynch or Joe Buzzard had returned to the Cherokee nation and was keeping house up there?  
 A Yes sir.  
 Q That was after Joe Lynch or Joe Buzzard began living in the neighborhood on Grand River? A Yes sir.  
 Q What makes you remember it was in January or February, 1867?  
 A It was a short time after we came in here.  
 Q How can you tell whether it was January or February or March or April? A It was cold weather.  
 Q What month and date did Wallace make the Wallace roll? A I forget.  
 Q What year or month did your Clifton make a roll? A I don't know just when.

WITNESSES EXCUSED.



JOE LYNCH, being first duly sworn, testified as follows:

BY MR. ROGERS:

- Q What is your name? A Joe Lynch.
- Q What is your age? A 72 years old I think.
- Q Where do you live? A I live up in Delaware District.
- Q Cherokee nation? A Yes sir.
- Q Did you marry a relative of Jackson Fields? A Yes sir.
- Q What relation? A Jackson Fields' sister.
- Q Do you know Jackson father and mother? A No sir, I am not acquainted with his father but I saw his mother.
- Q Did you leave the Cherokee nation during the war? A Yes sir.
- Q Where did you go to? A I went to Kansas.
- Q What time did you return here Uncle Joe? A It was in '66.
- Q What time of the year? A It was along in February, but just what day I wouldn't recollect that.
- Q February, 1866? A Yes sir.
- Q Where did you come from, what point in Kansas? A I come from Iola.
- Q Did Jackson's mother die while you were up there? A I believe she did, yes sir.
- Q Did you see Jackson Fields in the Cherokee nation in the year 1866?
- A Yes sir, I saw him in the fall of '66.
- Q Do you know who he came in with? A No sir, but I heard who it was.
- Q Did he tell you who he came with? A Yes sir.
- Q Who did he say? A He said it was Mose Carter.
- Q Do you know Mose Carter? A Yes sir, I know him in the army, I was acquainted with him.
- Q Did you serve in the army, Union army? A Yes sir.
- Q Did Jackson make his home with you at any time after he came back to the Cherokee nation? A He didn't call it hom, came there and stayed awhile.
- Q When was it he first came to your house? A It was along in the fall but I couldn't tell you, it was getting cold weather but I couldn't tell just what day or what time, but I know it was in the fall of the year.
- Q Is Jackson's sister dead, your wife? A No sir.

BY MR. HASTINGS:

- Q What year is this? A You are too hard for me now.
- Q What year did Wallace make a pay roll? A I aint got a education but I know I was there when he made it.
- Q What year did Kewn-Clifton make a roll? A I don't know what year it was.
- Q You are the same man known as Joe Lynch and Joe Buzzard on Cherokee Freedman Doubtful card No. 376? A Yes sir.
- Q You came from Iola, Kansas? A Yes sir.
- Q Where did you come from, what were you doing up there? A When I was mustaded out the service I went down there on my way to the old stomping ground.
- Q Did you stop at Iola? A Yes sir.
- Q Live there in town? A No sir.
- Q Live in the country? A Lived close to town there awhile.
- Q What direction from town? A I suppose it was west.
- Q On whose place? A His name was Wynings.
- Q How far from town? A I couldn't tell, close to town though.
- Q About a half mile? A Might have been that.
- Q How long did you live there? A Not long.
- Q Three years? A No sir.
- Q How many years then? A Never lived there nare year.

- 3-
- Q How long did Jackson stay at your house when he first came there before he went off? A He was there a good while, then he went off and came back again.
- Q How long was he gone? A He may have been gone a month and then came back.
- Q Stayed there all the time since then? A He was in and out two or three times, I disremember.

BY MR. ROGERS:

- Q You came back here in February, spring of 1866 according to your testimony? A Yes sir.
- Q And what did you come back here for? A I was coming home to live.
- Q Is this your home? A Yessir.
- Q Born and raised here? A Yes sir.
- Q Jackson came back to your house because you had married his sister? A yes sir, I suppose that is why.
- Q He had no other home to go to? A Never had no home at all.
- Q Went from first one place and then another in the neighborhood? A Yes sir.
- Q Went back to Kansas sometime to work and back to the nation? A Yes sir.

Mr. Davenport: The representatives of the Cherokee Nation now ask that reference be made to the testimony taken in the Joe Lynch case, Freedman D-376, and made a part of the record in this case so far as the testimony of Joe Lynch is concerned in this case, and the other witnesses who testify that they saw this applicant at Joe Lynch's house the first time after the war in the fall of 1866.

Mr. Rogers: Attorney for the applicant objects to the introduction of reference asked for, for all legal and proper reasons saving the right to sustain said objection at all time.

# W I T N E S S E X C U S E D.

A. N. GEORGE, being first duly sworn, testified as follows on behalf of the Cherokee Nation:

BY MR. DAVENPORT:

- Q What is your name? A A. N. George.
- Q Where do you live? A Coffeyville, Kansas.
- Q How long have you lived there? A In the neighborhood of Coffeyville since 1869.
- Q When you came there was Coffeyville in existence? A No sir.
- Q What was your post office then? A Humbolt.
- Q Did you ever know a town started in that country by the name of Parker? A Yes sir.
- Q How far is that from Coffeyville now? A About 3 miles.
- Q How far from the Cherokee nation line? A About one mile.
- Q On the Kansas side? A Yes sir.
- Q When was the town of Parker started? A ~~Remember~~ I couldn't tell just when, but I think June or July, 1869.
- Q You came to that section of country what year? A March, 1869.
- Q Have you lived there continuously since that time? A Yes sir.
- Q Was Parker in existence then? A No sir.
- Q Did Mr. Parker come there after you did? A Yes sir.
- Q And started a store there? A Yes sir.
- Q It was started sometime after March, 1869? A Yes sir.
- Q You are positive there was no store there then? A Positive of that.

BY MR. ROGERS:

- Q You came there in 1869? A Yes sir, March.  
Q Where was the nearest store to you? A Osage Trading post or the Moginity trading post.  
Q You say there was no store there then? A No sir.  
Q Any house there? A No sir.  
Q Not in that neighborhood? A No sir, not right there, up on Pumpkin Creek about a mile and half there was the Moginity trading post.  
Q How long had that been there? A I couldn't answer that.  
Q You don't know whether that was there or had been there before 1866 or not? A I think not.  
Q What is your name again? A A. M. George.  
Q Have you ever testified any in cases before in the Cherokee Nation? A No sir.  
Q Are you interested in the Cherokee Nation in any way? A No sir.  
Q Your wife a citizen? A No sir.  
Q You a citizen? A No sir.  
Q How long did you live in Coffeyville, how long after you left there? A I lived in the neighborhood of Coffeyville since 1869, there was no Coffeyville there then.  
Q How far from the town the present site of Coffeyville? A Right south of it  $2\frac{1}{2}$  miles.  
Q Was that at the point called Parker's afterwards? A No sir.  
Q How far from Parker? A 3 miles west.  
Q Did anybody else live in that country at that time? A Yes sir, another family came down with us.  
Q You don't know anything about what was in that country before 1869? A No sir.

WITNESS EXCUSED.

JONAS RAGSDALE RECALLED:

The representatives of the Cherokee Nation not being present, James M. Keys at the request of the Commissioner, appears on behalf of the Cherokee Nation.

Mr. Keys: On behalf of the Cherokee Nation I object to the further taking of testimony in this case and move that the case be continued.

On behalf of the Commissioner: The motion of Mr. Keys on behalf of the representatives of the Cherokee Nation will be noted, and that part of his motion that the case be continued will be over-ruled.

BY MR. ROGERS:

- Q In your testimony as to the name of that trading post I will ask you whether you know as a matter of fact whether it was called Parker's store in 1866 or not, at the time you were up there?  
A No sir, I don't just exactly know, it was called by that name afterwards.  
Q Now in 1866 did you trade at the only trading post in that country in 1866? A Yes sir, in '66 and '67, only the two trading posts, that one up there and at Fort Gibson.  
Q Was there any Osages trading at that post at that time? A Yes sir.  
Q In after years you alluded to the trading post up there as the old Parker trading post? A Yes sir.

BY MR. KEYS:

- Q The station you traded at in 1866 is now called Parker or was afterwards called Parker? A It is called old Parker.  
Q That is the place where you traded? A Yes sir.  
Q That is the place you have reference that you traded at in 1866?  
A I guess that is the place I reckon, I don't know, I know for certain it was somewhere in there, in that country there, it was just across the line.

WITNESS EXCUSED.

The attorneys for the applicants and the Cherokee Nation announcing that they have no further testimony to introduce in this case, the same will be closed.

-----000-----

George H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

*George H. Lessley*

Subscribed and sworn to before me this 16th day of September, 1905.

*Mason White*

Notary Public.

*97.11.15*

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of  
Jackson Fields, et al., as Cherokee Freedmen.

DECISION.

THE RECORD IN THIS CASE SHOWS: That on June 19, 1901, Jackson Fields appeared before the Commission to the Five Civilized Tribes, at Nowata, Indian Territory, and made application for the enrollment of himself and minor children, James, Elian J., Hester, Sisley, Alexander, William McK., Wesley and Oby A. Fields, as Cherokee Freedmen. Further proceedings in the matter of said application were had on October 3, 1902, at Vinita, Indian Territory.

The record further shows that on July 29, 1904, the Commission to the Five Civilized Tribes rendered its decision herein, denying said applicants the right to enrollment as Cherokee freedmen, and that on August 22, 1904, (I.T.D. 4576-04), said decision was affirmed by the Department; that thereafter, on August 18, 1905 (I.T.D. 163, 4786-05), on motion of the applicants, this case was reopened, its said decision of August 22, 1904, was reconsidered, and the record in said case returned for further testimony; and that further testimony in the matter of said application was taken on September 14, 1905, at Muskogee, Indian Territory.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant, Jackson Fields, claims the right to enrollment as a Cherokee Freedman by virtue of his compliance with the treaty stipulations of 1866, and that the minor applicants claim the same right as descendants of the said Jackson Fields.

The following points are fully established by the evidence, no attempt having been made to disprove them:

(1)

That said Jackson Fields was the slave of a Cherokee citizen at the commencement of, and was taken from the Cherokee Nation to Kansas during, the rebellion.



- (2) That the minor applicants herein are children of the said Jackson Fields, were born since 1860, and possess no rights to Cherokee freedman citizenship other than as descendants of their said father.

Excepting the Wallace and Kern-Clifton rolls, none of the applicants herein, nor any ancestor through whom by any possibility they might obtain rights to Cherokee citizenship, can be identified on any roll of the Cherokee Nation in the possession of this office.

In view of the foregoing it is considered that the primary question to be determined in this case is:

Did Jackson Fields return to the Cherokee Nation, after the rebellion, and establish his residence in said Nation within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitacre, trustee, etc., vs the Cherokee Nation et al., for the return of Cherokee freedmen to said Nation?

JONAS RAGSDALE, in behalf of applicants, testifies: that during the fall of 1866, while on his way to Old Parker, Kansas, where he at that time did his trading, he met one Moss Carter, since deceased, and the principal applicant herein, on their way to Goose-neck Bend, Coowescoowee District, Cherokee Nation.

ROBERT FOSTER, ARTHUR DEAN and JOE LYNCH, in behalf of applicants, testify: That in the fall of 1866 the principal applicant herein was living on Grand River, Cherokee Nation, with his brother-in-law, the said Joe Lynch.

In behalf of the Cherokee Nation it is shown that the trading point known as Old Parker was not started till subsequent to the year 1867.

In Cherokee Freedman D 376, it was found by the Commission to the Five Civilized Tribes that, after ample opportunity having been afforded, the said Joe Lynch was unable to show that he had returned from Kansas to the Cherokee Nation after the rebellion, within the time specified in the said Whitacre decree, and in its decision rendered on June 16, 1905, the said Joe Lynch was denied the right to enrollment as a Cherokee Freedman and the proceedings in said case duly forwarded to the Department, where they are now pending.

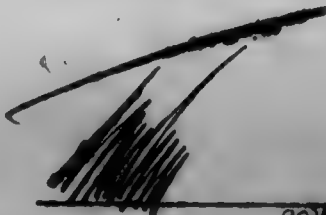
In Cherokee Freedman D 522, it was found by the Commission to the Five Civilized Tribes that the said Robert Foster

was not the slave of a Cherokee citizen, nor a free colored person residing in the Cherokee country at the commencement of the rebellion, and in its decision rendered on June 16, 1905, his application for enrollment as a Cherokee freedman was denied, the proceedings in said case being duly forwarded to the Department, where they are now pending.

In Cherokee Freedman D 876, the Commission to the Five Civilized Tribes found that one John Carter, son of the said Hose Carter, deceased, and who, the evidence shows, returned to the Cherokee Nation after the rebellion, with his father, did not return to said Nation within the time specified in the Whitmire decree, its said finding being concurred in by the Commissioner of Indian Affairs, and affirmed by the Department on October 15, 1904 (I.T.D. 76548-04).

**FINDINGS OF FACT AND CONCLUSION:** It is considered that the evidence in this case shows that the principal applicant, Jackson Fields, did not return to the Cherokee Nation, after the rebellion, and establish a residence therein, within the time specified in the Whitmire decree, supra.; and that the minor applicants herein possess no rights to Cherokee freedman citizenship other than as descendants of the said Jackson Fields.

**IT IS, THEREFORE, ORDERED AND ADJUDGED:** That, for the additional reasons set out herein, its decision rendered by the Commission to the Five Civilized Tribes on July 29, 1904, should be affirmed, and that, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), Jackson Fields, James Fields, Eliza J. Fields, Hester Fields, Sisley Fields, Alexander Fields, William McK. Fields, Wesley Fields, and Oby M. Fields, are not entitled to enrollment as Cherokee Freedmen, and their application for enrollment as such is accordingly denied.



COMMISSIONER

Dated at Muskogee, Indian Territory,

this OCT 26 1905

Cherokee F D-771

Muskogee, Indian Territory, February 27, 1902

Mrs. Fannie Fields,

Iola, Kansas.

Dear Madam:-

The Commission is in receipt of your letter of February 24, asking if your children can be enrolled as Freedmen citizens of the Cherokee Nation; your letter stating that your husband, Jackson Fields, is on the roll.

In reply, you are advised that if you desire, you can make application to the Commission for the enrollment of your children. The rules and regulations of the Department require that all applicants over 21 years of age or married shall appear in person before the Commission for examination under oath. The Commission will be at Muskogee, Indian Territory, until April 1, 1902. It is at this time impossible to advise you where applications for enrollment as Cherokee Freedmen will be received after that time.

By authority granted him in the act of Congress approved March 3, 1900, the Secretary of the Interior has directed this Commission not to receive applications for enrollment as Cherokee Freedmen after June 30, 1902.

Yours truly,

Commissioner in Charge.

MANSON  
MAR 23 1902

*[Signature]*  
RECEIVED

# **NOTICE.**

## **Cherokee - Freedmen - Enrollment.**

The Commission to the Five Civilized Tribes will continue in session at

**MUSKOGEE, IND. TER.,**

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Jackson Fields,  
Vinita, I. T.  
Cherokee F-D-771  
Register.

TAMS BIXBY,  
T. B. NEEDLES,  
C. R. BRECKINRIDGE,  
Commissioners.



COPY

Cherokee Freedmen

D-771

Muskogee, Indian Territory, August 1, 1904.

Edgar Smith,

Attorney for Jackson Fields, et al.,

Winita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated July 29, 1904, rejecting the application of Jackson Fields for the enrollment of himself and his eight minor children, James, Eliza J., Rester Sisley, Alexander, William McK., Wesley and Oby M. Fields, as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

*I. B. Needles.*

Encl. 2-181.

Register.

Commissioner in Charge.

COPY

Cherokee Freedmen

D-771

Muskogee, Indian Territory, August 1, 1904.

Hastings, Bell & Davenport,  
Attorneys for the Cherokee Nation,  
Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated July 29, 1904, rejecting the application for the enrollment of Jackson, James, Eliza J., Rector, Stanley, Alexander, William McK., Vealey and Oby M. Fields, as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Nesbitt

Encl. B-160.

Commissioner in Charge.

COPY.

Cherokee Freedmen

D-771.

Muskogee, Indian Territory, August 1, 1904.

Jackson Fields,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated July 29, 1904, rejecting your application for the enrollment of yourself and your eight minor children, James, Eliza J., Master, Sisley, Alexander, William McK., Wesley and Oby M. Fields as Cherokee freedmen. There has heretofore been furnished your attorney Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

I. B. Needles.

Encl. S-179.

Commissioner in Charge.

Register.

COPY.

Cherokee Freedmen

2-971.

Muskogee, Indian Territory, August 1, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Jackson, James, Eliza J., Hester, Sisley, Alexander, William McK., Wesley and Oby M. Fields as Cherokee freedmen, including the Commission's decision dated July 29, 1904, rejecting said application.

Respectfully,

*I. B. Needles*

Encl. B-182.

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.



( COPY )  
DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS,

Refer in reply  
to the following:  
Land.  
53806-1904.

WASHINGTON, August 17, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose, herewith, a report from the Commission to the Five Civilized Tribes, dated August 1, 1904, transmitting the record of the application of Jackson Fields for the enrollment, as Cherokee freedmen, of himself and his eight minor children, James, Eliza J., Hester, Sisley, Alexander William McK., Wesley and Oby M. Fields.

July 29, 1904, the Commission decided adversely to the applicants.

The evidence shows that the principal applicant, Jackson Fields was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that during the rebellion he went out of the Cherokee Nation and did not return on or before February 11, 1867. The other applicants were all born since that date and claim title solely through their father, Jackson Fields.

The names of the principal applicants, Jackson Fields, James Fields, Eliza Fields, and Sisley Fields are identified on



the Kern-Clifton roll, and Jackson Fields is also identified on the Wallace roll.

None of the applicants is identified on the 1860 authenticated Cherokee roll.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

W. A. Jones  
Commissioner

H.M.M.

V.

(COPY)

D.C. 31475-1904  
I.T.D. 6576-1904  
LRS

W.C.F.  
J.B.

FHM

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

August 26, 1904.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

August 1, 1904, you transmitted the record in the matter of the application for the enrollment of Jackson, James, Eliza J., Hester, Sisley, Alexander, William Mok., Wesley and Oby M. Fields, as Cherokee freedmen, including your decision of July 29, 1904, rejecting said application.

Reporting in the matter August 17, 1904, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation and your decision is hereby affirmed.

Respectfully,

(Signed) Thos Ryan.

1 inclosure.

Acting Secretary.

Adoo

Cherokee Freedmen

D-771

Muskogee, Indian Territory, September 7, 1904.

Jackson Fields,

Winita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated July 29, 1904, rejecting your application for the enrollment of yourself and your eight minor children, James, Eliza J., Hester, Sisley, Alexander, William McK., Wesley and Oby H. Fields, as Cherokee freedmen, was affirmed by the Secretary of the Interior on August 26, 1904.

Respectfully,

(SIGNED)

Tame Dabby,  
Chairman.

COPY.

Cherokee Freedmen

D-771.

Maskogee, Indian Territory, September 7, 1904.

Hastings, Ball & Davenport,  
Attorneys for the Cherokee Nation,  
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated July 29, 1904, rejecting the applications for the enrollment of Jackson Fields and his eight minor children, James, Elian J., Hester, Sisley, Alexander, William McK., Wesley and Oby M. Fields, as Cherokee freedmen was affirmed by the Secretary of the Interior on August 26, 1904.

Respectfully,

(SIGNED)

*Leone Dixie*  
Chairman.

COPY.

Cherokee Freedmen

D-771.

Muskogee, Indian Territory, September 7, 1904.

Edgar Smith,

Attorney for Jackson Fields, et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 29, 1904, rejecting the applications for the enrollment of Jackson Fields and his eight minor children, James, Elisa J., Hester, Sisley, Alexander, William McK., Wesley and Oby M. Fields, as Cherokee freedmen was affirmed by the Secretary of the Interior on August 26, 1904.

Respectfully,

(SIGNED)

*James Birby.*  
Chairman.



COPY.

Cherokee Freedman  
B-452.

Muskogee, Indian Territory, January 7, 1905.

Honorable Charles B. Rogers,  
Vinita, Indian Territory.

Dear sir:

The Commission is in receipt of your motion to re-open the case of Jackson Fields, an applicant for enrollment as a Cherokee Freedman, together with affidavits in support of same. It is noted that the motion filed with the Commission is marked "Copy" and, as there was no letter accompanying this motion, the Commission is unable to determine whether or not the original copy has been filed with the Department or whether the motion is made direct to the Commission.

The application for the enrollment of Jackson Fields, et al., was refused by the Commission and action approved by the Secretary on the 26th day of August, 1904, and the motion to re-open should be made direct to the Department. In case this has not been done, upon your written request, the papers which you forwarded the Commission will be transmitted to the Secretary for such action as he may desire to take in the matter.

Respectfully,

SIGNED.

Tama Dixby.

Chairman.

| COMMISSION TO THE INDIAN INDEXED |             |      |      |
|----------------------------------|-------------|------|------|
| No.                              | Received    | Book | Page |
| 1611                             |             |      |      |
| 1905                             | JAN 12 1905 |      |      |

Rogers, Charles B., V  
 Vinita, I.T.,  
 Cherokee Nation,  
 Jan. 12, 1905.

States that certain papers  
 transmitted relative to  
 application of Jackson  
 Fields for enrollment as  
 Cherokee Freedman were copies,  
 and that original documents  
 were forwarded to Secretary  
 of Interior.

CHEROKEE ENROLLMENT,

CHARLES B. ROGERS,  
ATTORNEY AND COUNSELLOR AT LAW.  
OFFICE GEORGE FRANK  
MARIETTA, GEORGIA. 000

Vinita, I. T., January 12th, 1906.

COMMISSION TO FIVE CIVILIZED TRIBES,

MUSCOGEE, I. T.

SIRS:--

Your recent communication relating to the transmission of papers in the case of Jackson Fields, an applicant for enrollment as a Cherokee Freedman citizen, being motion, together with affidavits supporting the same, asking to reopen and retry case, and your inquiry as to whether we had transmitted original or copy of motion and affidavits--received, in reply I will say that the documents sent you are only copies and the originals were sent on the same date to the Secretary of the Interior at Washington, where, as I understand they should be filed.

I am very truly yours,

*Charles B. Rogers*

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

W.C.F.  
LRS

I.T.D.163,2756-1905.

August 18, 1905.

LRS

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

The Department has considered the motion for rehearing in the Cherokee Freedman case of Jackson Fields et al.

On August 26, 1904, the Department affirmed the decision of the Commission to the Five Civilized Tribes rejecting the applicants in said case.

The applicants request a rehearing, claiming that they have discovered new and material evidence and submit the affidavits of Robert Foster, Jonas Bagdale, Joe Lynch, and Arthur Bean, whose testimony the applicants desire to procure in support of their claim that Jackson Fields returned to the Cherokee Nation in 1866.

The Department considers that the statements contained in the motion and the accompanying affidavits are sufficient to warrant a reopening of the case. Departmental decision of August 26, 1904, is hereby rescinded, and you are directed to so advise the applicants and the attorney for the Cherokee nation, and allow reasonable time within which further testimony in the matter may be introduced. The testimony submitted is returned herewith, together with the motion.

Respectfully,  
(Signed) Thos. Ryan.

Acting Secretary.

2 inclosures.

Cherokee freedman  
R 452 (D 771)

Muskogee, Indian Territory, August 28, 1905

Jackson Fields,

Vinita, Indian Territory.

Dear Sir:

In connection with your application for the enrollment of yourself and minor children as Cherokee freedmen, you are advised that this office is in receipt of Departmental letter of August 18, (I.T.D. 163, 2734-1905), in which the decision of the Department of August 26, 1904, approving the decision of the Commission to the Five Civilized Tribes dated July 29, 1904, is rescinded, and a further hearing ordered.

You are therefore hereby notified to appear before the office of the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, at nine o'clock A.M. on Thursday, September 7, 1905, and introduce further testimony as to your return to the Cherokee Nation after the war of the rebellion.

Filed with your motion to have your enrollment case reopened are affidavits signed by Robert Foster, Jonas



Ragsdale, Joe Lynch and Arthur Bann, and you are desired to have them present and to introduce their testimony on the above date.

The Cherokee Nation will also be permitted to appear on that date and introduce any testimony it may desire.

Respectfully,

Commissioner

Cherokee Freedmen  
R 452 (D 771)

Muskogee, Indian Territory, August 28, 1905

Charles Rogers,

Attorney for Jackson Fields et al,

Vinita, Indian Territory.

Dear Sir:

In connection with the application for the enrollment of Jackson Fields and his minor children as Cherokee freedmen, you are advised that this office is in receipt of Departmental letter dated August 18, (I.T.D. 163, 2756-1905), in which the decision of the Department of August 23, 1904, approving the decision of the Commission to the Five Civilized Tribes dated July 29, 1904, is rescinded, and a further hearing ordered.

Jackson Fields has therefore been notified to appear before this office at nine o'clock A. M. on Thursday, September 7, 1905, and introduce further testimony as to his return to the Cherokee Nation after the war of the rebellion. The Cherokee Nation will also be permitted to appear on that

Chas. B. Rogers--H

date and introduce any testimony it may desire in this case.

Filed with the motion to have this case reopened are affidavits signed by Robert Foster, Jonas Ragsdale, Joe Lynch and Arthur Bean, and you are desired to have them present and to introduce their testimony on the above date.

For your information, there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

IMB  
Incl. B-51

Commissioner

Cherokee Freedman  
R 452 (D 771)

Muskogee, Indian Territory, August 26, 1905

Bell, Hastings and Davenport,  
Attorneys for Cherokee Nation,  
Muskogee, Indian Territory.

Gentlemen:

In connection with the application for the enrollment of Jackson Fields and his minor children as Cherokee freedmen, you are advised that this office is in receipt of Departmental letter of August 18, (I.T.D. 163, 2756-1905), in which the decision of the Department of August 26, 1904, approving the decision of the Commission to the Five Civilized Tribes dated July 29, 1904, is rescinded, and a further hearing ordered.

Jackson Fields has therefore this day been notified to appear before the office of the Commissioner to the Five Civilized Tribes, at Muskogee, Indian Territory, at nine o'clock A.M., on Thursday, September 7, 1905, and introduce further testimony as to his return to the Cherokee Nation after the war of the rebellion.

The applicants in this case in support of their motion to have the case reopened, have filed affidavits signed by Robert Foster, Jonas Ragsdale, Joe Lynch and Arthur Bean,

and the principal applicant has been requested to have these persons present and to introduce their testimony on the above date.

You are further advised that the Cherokee nation will also be permitted to appear on said date and introduce any testimony it may desire in this case.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

Encl. B- 50

Commissioner



Cherokee  
F R-452

COPY.

Waskagee, Indian Territory, September 20, 1905.

Charles M. Rogers,

Attorney for Jackson Fields et al.,

Vinita, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of supplemental testimony of September 14, 1905, in the matter of the application for the enrollment of Jackson Fields et al., as Cherokee freedmen, together with a receipt for same which you will please sign and return to this office.

Respectfully,

(SIGNED).

*Wm. J. Beane*  
Acting Commissioner.

Incl. GI-22.  
GHL

JP 452

COPY.

Muskogee, Indian Territory, September 20, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There are inclosed herewith copies of supplemental testimony of September 14, 1905, in the matter of the applications for the enrollment as Cherokee freedmen of Lula White et al., Cherokee Freedman R-248, and Jackson Fields et al., Cherokee Freedman R-452.

Respectfully,

RECEIVED

Incl. 01-19.  
GHL

*Wm. B. ...*  
Acting Commissioner.

Cherokee Freedmen

COPY.

R-482.

Muskogee, Indian Territory, October 26, 1905.

Charles B. Rogers,

Attorney for Jackson Fields, et al.,

Vinita, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 26, 1905, holding that the decision of the Commission to the Five Civilized Tribes, dated July 29, 1904, should be affirmed, and that the application for the enrollment of Jackson Fields, et al., as Cherokee freedmen, should be denied. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

*James Dixby.*

Commissioner.

Incl. B-328  
Register.

Cherokee Freedmen

R-452.

COPY:

Muskogee, Indian Territory, October 26, 1905.

Jackson Fields,

Vinita, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 26, 1905, holding that the decision of the Commission to the Five Civilized Tribes, dated July 29, 1904, should be affirmed, and that the application for the enrollment of yourself and minor children as Cherokee freedmen should be denied. There has heretofore been furnished your attorney, Charles B. Rogers, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

(SIGNED)

*Tamc Dixby.*

Incl. B-327  
Register

Commissioner.

Cherokee Freedmen

COPY.

R-452.

Muskogee, Indian Territory, October 26, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 26, 1905, holding that the decision of the Commission to the Five Civilized Tribes, dated July 29, 1904, should be affirmed, and that the application for the enrollment of Jackson Fields, et al., as Cherokee freedmen, should be denied.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

SIGNED.

*Tamie Dixby.*

Commissioner.

Incl. S-329



Refer in reply to the following:

--Copy--

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.  
LAND.  
68849-1905.

December 18, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated November 2, 1905, transmitting the record of the application for enrollment as Cherokee Freedmen by Jackson Fields for himself and his minor children, James, Eliza J., Hester, Sisley, Alexander, William McK., Wesley, and Oby M. Fields.

October 26, 1905, the Commissioner decided adversely to all the applicants. The record shows that on July 29, 1904, the Commission to the Five Civilized Tribes rendered a decision denying the applicants enrollment and on August 26, 1904, the Department affirmed the decision, that thereafter on August 18, 1905 (I.T.D. 163, 2754-02) the Department rescinded its action and returned the record for further testimony.

The record shows that Jackson Fields was the slave of a Cherokee citizen at the beginning of the War of the Rebellion and was taken from the Cherokee Nation during the war, and did not return to the Nation and establish a residence therein on or before February 11, 1867; that the other applicants are the minor children of Jackson Fields born since 1860 and

possess no rights to Cherokee Freedmen citizenship other than as descendants of their father.

In view of the record the approval of the Commissioner's decision of October 26, 1906 adverse to all of the applicants is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

MMK.

C

CRW.

DEPARTMENT OF THE INTERIOR, L.B.

WASHINGTON.

D.C. 8764-1907.  
I.T.D. 17674-1908.  
IRS.

February 12, 1907.

Direct.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

December 18, 1906, the Indian Office transmitted the record, together with your decision, adverse to the applicants, in the matter of the rehearing of the application for the enrollment of Jackson Fields, James Fields, Eliza J. Fields, Hester Fields, Sisely Fields, Alexander Fields, William McCay Fields, Wesley Fields, and Oby M. Fields as Cherokee freedmen, in which decision the Indian Office concurs. A copy of its letter is inclosed.

The Department also concurs, and the application is denied.

The papers in the case and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

(Signed) Theo. Ryan,

First Assistant Secretary.

1 inclosure.

6 inc. to Ind. Of.

A.F.M.  
2-12-07.

Cherokee F.  
R 562

copy

Nowata, Indian Territory, March 7, 1907.

Jackson Fields,

Nowata, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated October 26, 1906, rejecting the application for the enrollment of yourself and minor children as Cherokee freedmen, was affirmed by the Secretary of the Interior, February 12, 1907, and said application denied.

Respectfully,

Encl. H-3  
JMK

[SIGNED] Commissioner.

Cherokee F.  
R 452

COPY

Muskogee, Indian Territory, March 7, 1907.

Chas. B. Rogers,  
Attorney for Jackson Fields,  
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated October 26, 1905, rejecting the application for the enrollment of Jackson Fields, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior, February 12, 1907, and said application denied.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED \_\_\_\_\_,

Commissioner.

Encl.H-4  
JMH



Cherokee F.

R 452

COPY

Muskogee, Indian Territory, March 7, 1907.

V. W. Hastings,  
Attorney for Cherokee Nation,  
Muskogee, Indian Territory.

Dear Sir:

Your are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated October 26, 1905, rejecting the application for the enrollment of Jackson Fields, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior, February 12, 1907, and said application denied.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED *Tams*

Commissioner.

Encl.H-4 1/2  
JMH

Cherokee Freedmen  
R 452

Waskogee Indian Territory, March 20, 1907

Wesley Fields,

Southwest City, Missouri.

Dear Sir:

In reply to your letter of January 29, 1907, asking if you have been notified of the action of the Department in the case of Jackson Fields, you are advised that on February 12, 1907, the application for the enrollment of Jackson Fields and his children, as Cherokee freedmen, was denied by the Secretary of the Interior, and on March 7, 1907, the applicant and his attorney were notified of such action.

Respectfully,

L M B

Commissioner

Vinita, Indian Territory, Sept 21<sup>st</sup> 1905

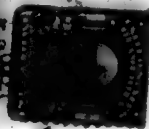
RECEIVED OF THE COMMISSIONER TO THE FIVE CIVILIZED

TRIBES one copy of the testimony in Case 452 Jackson (Appl 7415)

Chas B Rogers  
Attorney for Applicants

Chas L Rogers Atty  
Vinita IT

5-6-



Att Commission to the Five Civilized Tribes

Miss Kogee



REGISTERED  
JAN 8 1905  
VINITA, IND. TER



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L.V.





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Cher. Fr. R. 453

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*[Handwritten signature]*

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226  
F. J. G. 30

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Department of the Interior,  
Commission to the Five Civilized Tribes,  
Chelsea, I.T., June 5, 1901.

In the matter of the application  
of Charity Trow, for enrollment  
as a Cherokee Freedman.

Appearances:

Mellette & Smith, attorneys for applicant;

W.W.Hastings, of counsel for Cherokee Nation.

Charity Trow, being duly sworn and examined by Commissioner  
Needles, testified as follows:

Q What is your name? A My married name is Charity Trow.

Q What is your age? A 35.

Q What is your post office address? A Vinita, Indian Territory.

Q What district do you live in? A I live in the Cherokee Nation  
at Vinita.

Q In what district? A I guess it is Saline district.

Q Do you live in Vinita? A Yes, sir.

Q Which side of the railroad? A I live on the north side.

Q There is no north side of the Katy railroad? A I live on the  
north side of the railroad tract.

Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.

Q Who do you want to enroll besides yourself? A No body.

Q You ever been recognized by the Cherokee authorities as a Cherokee  
Freedman? A No, sir.

Q Your name on any of the rolls of the Cherokee Nation? A No, sir.

Mr. Smith: What was your mother's name? A Louisa Ross.

Q Do you know whether she is on the Kern-Clifton roll or not?

A I think she is, she drew her money.

The Kern-Clifton roll examined, and the name of Louisa Ross  
found thereon, page 129, No. 3907, Cooweescoowee district.

Commissioner: Is she living? A No, sir, she is dead.

Mr. Smith: Where did your mother live? A When she died, in  
Vinita.

Q Do you know whether your mother applied to the Kern-Clifton  
Commission for enrollment or not? A I think she did.

Q Do you know any other Louisa Ross in Cooweescoowee district?

A No, sir, she is the only one.

Q How old are you? A 35.

Q Where is your home? A Vinita.

Q How long has Vinita been your home? A All the time excepting  
when I would go in and out to school.

Q Have you lived in Vinita all your life? A Yes, sir.

Q Who do you understand your mother belonged to? A Lewis Ross.

Commissioner: Where were you born? A I don't know, I was told  
I was born in the Nation, I don't know what part.

Q Where were you when you first recollect? A I was here in  
the Nation, in Vinita.

Q What did you say your father's name was? A Wash Ross.

Q Is he living? A No, sir.

Q Is your mother living? A No, sir, she is dead.

Mr. Smith: When did she die? A She has been dead five months,  
she died in January.

Q January of this year? A Yes, sir.

Mr. Hastings: Where did she die? A In Vinita.

Commissioner: How long has your father been dead? A My father  
has been dead 8 years or 7.

Q Was he a freedman? A Yes, sir.

Mr. Hastings: You were born in Kansas, wasn't you? A I don't

Charity Trow - 2.

Know where I was born, I was told I was born in the Territory.

Q When you first remember, where were you living, you were living in Iola, Kansas? A Don't know where I was living, I don't remember.

Q Don't remember when you were old enough to remember? A I don't remember.

Q Where were you when you were 7 or 8 years of age? A I don't remember that.

Q When you were 18 years of age? A I can't remember, I was so small.

Q When you were 15 years of age? A That is as far as I can remember, I was out on the river when I was 15.

Q You didn't live up in Iola, Kansas? A No, sir, I don't remember ever being there. My mother sent me to school there, there wasn't any good schools here.

Q Who did you live with up there? A I stayed with my uncle.

Q What was your uncle's name? A His name was Sandy Ellis.

Q You lived in Wichita a while? A I went to school in Wichita after I left Iola, I graduated at Wichita.

Q Who did you live with there? A I boarded.

Q Well, when did you come the first time to the Territory after you quit school? A I come off and on all the time, after school out out I come back here to my mother.

Q Where was your mother living? A She was living in the Territory.

Q Where? A Out on the river.

Q With whom? A I can't remember exactly when.

Q You can't remember your neighbors? A I can't remember them all.

Q Do you know Millie Frye? A I know her when I see her.

Q Know any Cherokees living there where your mother lived?

A No, sir, I can't remember them.

Q Where are you living now? A In Vinita, Indian Territory.

Q How long have you been there? A I have been there all the time only I come and go like others.

Q I am asking you now how long you have been there permanently?

A I have been there all the time.

Q Have you been there a year? A Yes, sir.

Q Is that your post office? A Yes, sir.

Q Have you actually resided in Vinita now about how long? A About eight or nine years, off and on, all the time.

Q Did you live in Missouri? A No, sir, I don't live in Missouri.

Q Where were you married? A I was married in Joplin.

Q When? A In February.

Q This last February? A Yes, sir.

Q Where is your husband? A He is home with me.

Q When did you leave Joplin? A I have been from Joplin off and on all the time; I went there to marry my husband because he was working there.

Q Is he working there? A No, sir, he is living with me at home.

Q When did he quit working up there? A When I got ready to come.

Q When did you get ready to come? A I have been coming all the time.

Q When did he quit working up at Joplin? A I don't know just when he quit working at Joplin.

A A week ago? A Over a week.

Q A month? A I expect it has been a month.

Q About how long, do you know? A I don't know how long, I can't remember.

Q You don't know any of your neighbors? A I can't remember them, I was too small to remember all my neighbors, you will have to ask older heads for that.

Commissioner: What is your husband named? A Harry Trow.

Charity Trow - 3.

Q Is he a Cherokee Freedman? A No, sir.

Q You were married in the State of Missouri? A Yes, sir, went up there and married him.

Q How long ago? A I married in February, this last February.

Q Have you any children? A No, sir, no children.

Mr. Hastings: How long did you know him before you married him?

A I have known him about five months.

Q Where did you know him? A Why he was traveling around through the country like other young men.

Q Where? A I can't tell where he went all I did meet him.

Q Can you tell any of the places? A Seen him in Vinita when I first got acquainted with him.

Q Where did you afterwards meet him? A Picnics and things.

Q Where were the picnics and things? A I can't remember all the places, Baxter Springs for one, and the reunion.

Mr. Smith: Have you any property in Vinita? A Yes, sir.

Q What is it? A Town property.

Q What kind of town property? A Two houses.

Q How long have you had them? A Why about; my mother had them all the time, since she has been living there, I don't know exactly how long it has been, a good while.

Q Well, how long has your mother had these houses as near as you can remember, about how many years? A I can't remember; My father never was enrolled I don't think, he was a Freedman, belonged to the same owner as my mother.

Q You state when you went out to Kansas you went to school?

A Yes, sir, my mother sent me to school.

Q What did you say about graduating? A I graduated at Wichita, finished my schooling at Wichita.

Q During all that time you were going to school, where was your mother? A She was here in the Nation.

Q Do you remember just how long it has been since she went to Vinita to live from Grand River? A No, sir, I don't, I don't remember.

Mr. Hastings: You graduated at Wichita, and yet you don't know the district you live in? A No, I don't know.

Commissioner: You don't know in what place you were born? A No, sir.

Q Never was told by anybody? A I was told I was born in the Nation.

Q Did your mother tell you? A I have heard her speaking about it.

Q Where did your mother say you were born? A In the Territory, I have forgot what place she said, it has been so long.

Frank Ross, being duly sworn by Commissioner Needles, testified as follows:

Mr. Smith: State your name? A Frank Ross.

Q Where do you live? A Lenapah.

Q How old are you? A 53.

Q How long have you lived in the Cherokee Nation? A All my life.

Q Do you know this applicant, Charity Trow? A I know her mother.

Q What was her mother's name? A A Louisa Ross, we were raised together, that is the name she went by when we were raised.

Q Was she married? A She wasn't when she lived with us, she married since that.

Q Who did she marry? A She married a man named Wash Ross, used to belong to the same folks; that is this girl's father.

Q You say he was her father? A Yes, sir.

Q What was her mother's name? A Louisa.

Q Was she a slave? A Yes, sir.

Q Who did she belong to? A Lewis Ross.

Q Where did she live at the time the war commenced? A She lived



Charity Snow - 4.

on Grand River at the Orphan Asylum.

Q Was Lewis Ross a Cherokee? A Yes, sir.

Q He lived at what place on Grand River, or near what place?  
A Where the orphan asylum is now.

Q That was in the Cherokee Nation? A Yes, sir.

Q Well, did you know Washington Ross before the war? A Yes, sir,  
we were all raised together.

Q Who did Washington Ross belong to? A He belonged to Robert  
Ross, Lewis Ross' son.

Q Was he a Cherokee? A Yes, sir, he was Lewis Ross' son.

Q A citizen of the Cherokee Nation, was he? A Yes, sir.

Q What became of Washington Ross and Louisa Ross during the war, do  
you know? A They went up north.

Q When did you first see Louisa Ross back in the Cherokee Nation  
after the war? A I seen her in the summer of '66, she passed where  
we were living at going to Gibson.

Q Who was with her? A She was with some folks that brought her  
down, by the name of Grannison Ross and Calvin Ross.

Q When did you see Wash Ross? A He is dead, he died up in Kansas.

Q When did Wash Ross die? A I don't know, he died up in Kansas  
some time.

Q He never come back here? A No, sir, he didn't come.

Q Where was it you say you saw Louisa Ross in '66? A She passed  
what them called the Tom Rider place on Grand River below the mouth of  
Pryor Creek, above the mouth of Pryor Creek, where we were living at  
that time, and she passed there going to Gibson.

Q Well, who was with her? A Grannison Ross and Calvin Ross, her  
brothers in law.

Q Who were they? A They were Wash Ross' brothers.

Q When did you next see him after that? A I next saw him after  
that, it was over here at Vinita; I didn't see her for a long time  
after that.

Mr. Hastings: About how many years afterwards? A I don't know  
exactly how long, it was a good while.

Q 15 or 20 years? A No, sir, it wasn't that long.

Q They were just passing along down there? A They went on down  
to Gibson.

Q This woman's father wasn't with her? A No, sir, he wasn't with  
them.

Q And it was a number of years until you saw them again? A It  
was a good while that I saw her mother again, it was a good while.

Q This girl's father died in Kansas? A Yes, sir, that is what  
I learn.

Q This girl was born in Kansas? A No, she wasn't then, I expect  
she was born in the Nation here, I am not certain.

Q You don't know? A I don't know.

Q When did you first know this girl? A About 15 or 16 years ago,  
since I got acquainted with her.

Q Where did you know her then? A I knew her p here, the  
first time I seen her was up in the Bend.

Q Where did she live then? A I don't know where she lived at  
then.

Q Don't you know she came from Kansas down there? A I don't  
know nothing about where she came from, I know she came here.

Q Where did you next see her? A I next seen her in Vinita.

Q When? A About ten or 12 years ago.

Q Where was she living then? A She was living in Vinita then.

Q Her mother was living then? A Yes, sir.

Commissioner: You don't know where this child was born? A No, sir,  
I don't know where she was born.

Q She was born after you saw her mother come down? A Yes, sir.

Mr. Hastings: Was her mother dead, could she hear good? A Yes, sir.

Charity Trow - 8.

she always was sickly, and she never could hear good.

Dave Martin, being duly sworn by Commissioner Needles, testified as follows:

Mr. Smith: State your name? A Dave Martin.

Q How old are you? A 64.

Q Where do you live? A In the northwest corner of Coowescoowee district.

Q How long have you lived in the Cherokee Nation? A Lived off and on all my life, bred and born here.

Q Do you know this applicant, Charity Trow, who was Charity Ross before she married? A Yes, sir.

Q Did you know her mother? A Yes, sir.

Q What was her mother's name? A Louisa.

Q Was she a slave, or do you know? A Yes, sir.

Q Who did she belong to before the war? A Lewis Ross.

Q Was Lewis Ross a Cherokee Indian? A Yes, sir.

Q Where was he living? A Down on Saline Creek close to that salt lick.

Q Do you know what became of this girl's mother during the war, because of Louisa Ross? A She went to Kansas.

Q When did you first see her again in the Cherokee Nation after the war? A I seen her in '73 on Grand River, her mother.

Q Was that the first time you had seen her? A Yes, sir.

Q What was she doing on Grand River? A We were setting up with her brother in law, John Landrum, who was sick and expected to die.

Q Where did she live? A I don't know, she was living down towards Gibson somewhere she said.

Q Do you know of your own knowledge where Charity was born? A No, sir, I don't, she didn't have her then.

Q You don't know then just when her mother came back to the Cherokee Nation after the war, of your own knowledge? A No, sir.

Mr. Hastings: Don't you know that her mother came from Iowa, Kansas, down there to wait on that sick brother? A No, sir, I don't.

Q She told you she was from Iowa? A No, sir.

Q You knew her husband lived up there? A No, sir, I didn't, I saw them all up in Garnett, Kansas, in '68, and then I went off to the war and never saw any of them in fact any more till '66 and then I was down here in '78 and met up with her again there, and I didn't know and I didn't ask her where she had lived in particular.

Q You don't remember about that? A I don't remember that I asked him where she lived.

Mr. Smith: Do you know where she was in '66? A No, sir, I did not.

John Baldrige, being duly sworn and examined by Commissioner Needles, testified as follows:

Mr. Smith: What is your name? A John Baldrige.

Q What is your post office? A ~~Antennax~~ Coffeyville.

Q Where do you live? A I live in ~~Antennax~~ Coconee Bend, Coowescoowee district.

Q How long have you lived in the Cherokee Nation? A About 71 years.

Q How old are you? A 71.

Q Do you know this applicant, Charity Trow, who was Charity Ross, before she married? A Yes, sir, I knew her mother.

Q What was her mother's name? A Louisa Ross.

Q Did you know her before the war? A I knew her mother before the war.

Q Do you know who she belonged to? A Belonged to Lewis Ross.

Charity Tree - C.

Q Was Louis Ross a Cherokee? A Yes, sir.

Q Where was Louisa living at the time the war broke out? A She was right at home when the war broke out.

Q Where was that? A At Grand River on the salt lick.

Q Do you know what became of Louisa during the war? A When the war came up and all got stirred up and mixed up, she went north.

Q When did you first see her back in the Cherokee Nation after the war? A Well after the war closed, in the year of 1865, she came to Port Gibson in '66 at my house.

Q How long did she stay at your house? A She stayed a good long bit, I don't know, but I made medicine for her, she was sick.

Q Do you remember how long she was in the neighborhood of Port Gibson? A No, sir, I don't.

Q About how long? A Why I can't tell you just how long.

Q Two or three months? A No.

Mr. Hastings: Two or three weeks? A No.

Q Two or three days? A She was with me two or three days.

Q How long did you see her around there, as much as a week? A I don't know how long.

Q About as long as a month? A I can't say particularly.

Q About how long? A Near two or three weeks, that is the best I can say.

Q That the last you saw of her? A No, I have seen her off and on ever since.

Q Did you see her up to Iola, Kansas? A Yes, sir, I saw her there too.

Q When did you see her there? A I can't locate the year, I can't tell.

Q Well, don't you know she went back to Kansas? A No I don't.

Q When did you see her at Iola, Kansas? A I can't tell you when I saw her there.

Q You saw this girl up there? A Yes, sir, I saw her too.

Q You don't know what year it was? A No.

Q Ever since the war? A Oh yes.

Q About how old was this girl then? A I really can't locate that either.

Q Was she five or six or eight or ten, or pretty near grown? A Well she was a pretty good sized girl.

Commissioner: Do you know when this girl was born? A I believe she was born on Grand River.

Q How do you know she was born on Grand River? A Her mother used to tell me she was born here.

Q You don't know anything about it except just have her mother's word for it? A No, sir, just have her mother's word for it.

Q Do you know the reason her name isn't on the roll of 1867?

A Yes, sir, there was lots of us couldn't get no rights, they wouldn't enroll us, they came to their houses and they wouldn't enroll us.

Q You are not on the 1860 roll yourself? A No, sir, I am not, and I helped make the treaty too, from the year 1845 down to 1866, and fought for them, done everything a man could do, and fought for them.

Mr. Hastings: You are a doctor and a preacher too? A Yes, sir, doctor all the time during the war.

Commissioner: What style of medicine do you practice? A I just use the old Indian way.

Q You are a homeopathist, A Yes, sir, roots are in it.

Edward Smith, being duly sworn by Commissioner Beedle, testified as follows:

Mr. Hastings: What is your name? A Edgar Smith.

Charity Trow - V.

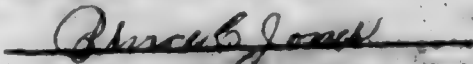
Q Where do you live? A I live at Vinita.  
Q Are you a citizen of the Cherokee Nation or the United States?  
A I am a citizen of the United States.  
Q You are not a citizen of the Cherokee Nation? A No, sir.  
Q A good many citizens of the United States live there? A Yes, sir.  
Q A great many of them own their own homes? A Yes, sir; well, I think there is a small per cent of them own their own homes.  
Q Some of them do? A Yes, sir.  
Q Vinita is in the Cherokee Nation? A Well, that is my information.

~~Charity Trow's testimony~~

Commissioner: Charity Trow applies for the enrollment of herself. She is not identified upon any of the rolls of the Cherokee Nation. She avers that her name is not on any of said rolls. She avers that her maiden name was Charity Rose, and she is married to one Harry Trow, a non citizen. She will be listed now for enrollment as a Cherokee Freedmen on a doubtful card. She will be notified by mail when the Commission arrives at a decision.

\*\*\*\*\*

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.



Sworn to and subscribed before me this the 7th of June, 1901.



Commissioner.

DEPARTMENT OF THE INTERIOR  
BUREAU OF THE FIVE CIVILIZED TRIBES  
FILED  
OCT 11 1901

ACTING CHIEF



Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I.T., October 9, 1901.

In the matter of the application of Charity Trow for the enrollment of herself as a Cherokee Freedman;

TESTIMONY ON THE PART OF THE CHEROKEE NATION.

Appearances:

Mr. Mallette, of Mallette & Smith, Att'ys for Applicant;  
Mr. Davenport, of attorneys for the Cherokee Nation.

J.E. THORP, being sworn by Commissioner Needles, testified as follows:

BY MR. DAVENPORT:

- Q What is your name? A J. E. Thorp.  
Q Where do you live? A Iola, Kansas.  
Q How old are you? A I am 64.  
Q How long have you lived at Iola, Kansas? A 44 years.  
Q Since you have been living at Iola, Kansas, did you get acquainted with the family of colored people by the name of Ross, or Trow, since you moved to Iola? A Family by the name of Ross.  
Q Did you know what their fathers names were? A Washington Ross.  
Q What was their mother's name? A Louisa I believe.  
Q Do you know whether or not they had any children? A Yes sir, 2.  
Q You know what their names were? A Benjamin and Charity.  
Q About when did you know this family there at Iola, about what years? A They were living in a house there that my father-in-law had vacated a short time previous when I come home Christmas Eve, '66.  
Q How long did they remain there after you came home? A I think perhaps a month or two; they left before we plowed and seeded I think.  
Q You mean they left the neighborhood of Iola or left the farm? A No sir, they left the farm and went to Iola, a mile and a half.  
Q You know whether they lived in Iola or near there any longer? A I think they lived in Iola from that time until their parents separated.  
Q How long do you think they lived there now Mr. Thorp? A I expect 12 or 15 years, or thereabouts.  
BY MR. MALLETT:  
Q Do you know Charity Trow? A Not by that name, I do not.  
Q Do you know whether the people you have been talking about of living in Iola were the parents of Charity Trow, the applicant? A I presume they were, I have seen Mrs. Ross nursing her when she was an infant.  
Q Where is the applicant? A I don't know sir except by hearsay.  
Q Did you ever see her? You don't know anything about her? A No sir.  
Q You don't know that she is the one? A I do not know.  
Q Maybe a different person may it not? A Suppose it may be, yes sir.  
Q Well did you know Louisa Ross well? A Oh I knew her as well as I knew the general run of colored people, yes sir.  
Q Paid very little attention to her I suppose? A Very limited, yes sir.  
Q What is her husband's name? A Washington Ross.  
Q Where did he die? A I am informed he died in Winfield.  
Q Now you know enough not to testify to anything you don't know don't you; you look like a sensible man; now will you please testify to what you know? A Well outside of what I heard I don't know; I know nothing about it; he was brought home and buried.  
Q How long do you think Louisa Ross lived in Iola after you got acquainted with her? A Perhaps 12 or 15 years I believe is what I said.

Charity Trow 2

Q Was she there all the time? A I presume so.

Q There you are, presuming again? A I saw her more or less every day after she moved in the bottom. I had to go by her house to go to the shop.

Q You might have missed her one day or two? A Yes sir, or 20 or more.

Q Truth of the matter is you didn't pay enough attention to keep her located then? A She worked for us; my children would take the washing to her house to wash them, because my wife was a large fleshy woman and couldn't do her washing; sometimes one colored woman would do it and some times another.

H. P. GRAY, being sworn by Commissioner Needles, testified as follows:

BY MR. DAVENPORT:

Q What is your name? A H. P. Gray.

Q How old are you? A 67.

Q Where do you live? A Iola, Kansas.

Q How long have you lived at Iola, Kansas? A About 23 years, little over.

Q Since you moved to Iola, Kansas did you get acquainted with a colored family by the name of Ross? A Yes sir.

Q You know what their father's name was? A Of the Ross family?

Q Yes sir? A The oldman I don't know nothing about, I never saw him.

Q What members of the family did you get acquainted with? A Wash, and Cal, and Pete and Jack.

Q Do you know whether or not Wash Ross had any children? A Yessir.

Q Do you know what their names were? A I don't know any of their names, but one, that was Charity.

Q You know whether or not she married anybody in Kansas? A Yes sir, she married Mr. Reese Cravens.

Q You don't mean the girl married Reese Cravens do you? A No, sir, the old lady.

Q What was the old lady's name? A Lou.

Q You know whether or not Charity married? A I don't know.

Q Where were the family living when you first got acquainted with them? A They were living down there in the south-west part of Iola, down in the bottom like.

Q About how long did they live there after you got acquainted with them, as near as you can remember? A They lived there 10 or 12 years I guess, 10 or 11 years, I don't know just how many; been a good while, and I hadn't any interest in them and didn't pay much attention to it.

Q You know of your own knowledge where they went when they left Iola? A Yes sir, they went to Wichita from there.

Q You don't know how long they lived at Wichita? A No sir.

BY MR. MELLETT:

Q You said you paid little attention to their whereabouts?

A Yes sir, I didn't pay much attention to them.

Q During the time you knew them there at Iola you know whether they were there all the time or not? A Well I think so, but I don't know; I think they were there all the time.

Q They could have been away without your paying any attention to it couldn't they? A ~~Yes they could~~ I think they couldn't have stayed long without my missing them; at that time I was in the butcher business and they always traded with me.

Q You know where Louisa Ross and Washington Ross were in 1866? A No sir.

Q '67? A No.

Q '68? A No.

Q When did you first see them? A Well it was in '79 that I first saw them.

Q Well as a matter of fact they did leave Iola after that and moved down in the Territory didn't they? A Yes, they moved over there to Wichita and then they moved from Wichita back at Iola. Yes.

Charity Trow 3

came back there after her husband was dead, and she came back there.

Q Well how when did Louisa Ross move to the Cherokee Nation, I mean after you got acquainted with her? A Oh it must have been 12 or 15 years from the time I first knew her; when I first knew her she was not higher than that. (indicating)

Q I am speaking of the mother, Louisa Ross? A Oh, Lou, I didn't know her name was Louisa, I never heard her called that.

Q Well Lou then? A Why I think it must have been 15 years from the time I knew her anyhow before she moved here.

Q What year was that then she moved here? A Why it would put it somewhere about '80, I wouldn't say exactly when, because I did not make any minute of it, but it was about that time.

RENEE CRAVENS, being sworn by Commissioner Needles, testified as follows:

BY MR. DAVENPORT:

Q What is your name? A Renee Cravens.

Q Where do you live? A I live in Vinita.

Q How old are you? A I am about 48 or 9, I don't know exact age.

Q How long have you lived in the Cherokee Nation? A Oh I have been living right here in town between 5 and 6 years, permanent right here in town.

Q Do you know Charity Trow? A Yes sir.

Q How long have you known her? A I have knowed her ever since she was a child.

Q Where was she born? A Iola, Kansas.

Q Near what town? A Right there in town.

Q What town? A Iola.

Q Do you know her mother? A Yes sir.

Q Was she any relation to you in later years before you learned to know her family? A I married her mother.

Q How old was Charity when you and her mother married? A She was not old enough to talk.

Q Now after you knew Charity and her mother, how long did they live at Iola, Kansas, or about how many years? A Oh I lived there 10 or 12 years.

Q Well when they moved away from Iola to what point did they go?

A I went from there to Wichita, Kansas.

Q Did Charity and her mother go with you? A Yes sir, I moved there.

Q How long did you live at Wichita? A I stayed there between 6 and 7 years.

Q When you left Wichita where did you go? A I came to Vinita.

Q About how long ago was that? A I have been here between 5 and 6 years, permanently.

Q They lived at Iola Kansas when you first got acquainted with her mother? A Yes sir.

Q Where was Charity married, if at all? A She was first married in Wichita; married a man named Gilbert.

Q Did Gilbert die or did they separate? A No sir, they separated.

Q Where was she married the second time, if you know? A I was not exactly there the second time, but I saw the certificate, that was at Humbolt, Kansas.

Q All you know of the second marriage is you heard they were married? A Yes sir.

Q You don't know that of your own knowledge? A No sir.

BY MR. WELLS:

Q During the time you were up at Iola, Kansas, did Charity Trow and her mother come to this country? A No sir, her mother did.

Q How often did she come here? A I was down here some two or three different times, as and her.

Q What did you come down here for? A She came down here looking after her business.



Charity Trew 4

Q She had business in this country? A Yes sir.

Q Did she come down here soon after you married her? A Yes sir, she was down here twice before I married her.

Q You married her how many years ago? A In March I think it was '80 or 1881.

Q And you say she frequently came down to this country? A I know of her being down here before I married her.

Q How long would she stay when she came? A She stayed down here some times maybe a month or 2 months.

Q Did she have any place down here? A No sir, not at that time.

Q You said she had come down here to attend to her business, what business had she down here? A She came down here to attend to her roll business, to see whether she was going to get on the roll.

Q And ever since before you married her, before '80, she had been making trips down to this country? A I speak of these times I know she make trips down here; outside of that time I don't know.

Q Charity was a child at that time? A Yes sir.

Q How old is Charity? A I can't tell her exact age, but she was born at that time.

Q She was born before you married her mother? A Yes sir, long before too; yes before; I knew her ever since before she could talk.

Q When did Louisa Ross, Louisa Cravens after you married her, first get a place down in this country? A It has been 5 or 6 years ago.

Q You don't know whether she was along in 1866 and '7 and '68?

A I couldn't say exactly that I do.

BY COMMISSIONER NEEDLES:

Q How old is Charity now? A Well she, I couldn't say exactly, but she is some where between 25 or 30, right close to it.

Q How long did you say she had been living in the Territory herself? A Never lived here.

Q Charity has never lived here? A No sir, not permanent.

Q Where has she lived? A She is like anybody else, she is here to-day and gone to-morrow.

Q Has she ever been married? A Yes sir, she has been married, I guess she is yet; was last account I knowed of her.

BY MR. MELLETT:

Q Charity has lived here, this has been her home for the last 6 or 10 years? A No sir.

Q Well it has been her home as much as any other place has been her home? A She has just been out like here like this week and next week she was gone.

Q What was her home? A She had no steady home.

Q Her mother live here? A Yes sir.

Q If she had any home it was with her mother? A She didn't stay with us any.

Q You and Charity don't get along very well? A No sir; I am telling it just like we did.

Q You had a row about the property? A Yes sir, Charity aint got any more interest in that property than you have.

MR. MELLETT: I may have.

BY MR. DAVENPORT:

Q Do you know where she is now? A I know where they say she is, I don't know from my own knowledge, they say she and her husband are in jail in Kansas City; I don't know.

BY MR. MELLETT:

Q In Jail? A Yes sir.

COMMISSIONER NEEDLES: This testimony will be filed.

H.B. Green, being first duly sworn, states that as a stenographer to the

Charity Trew 5

Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

*M. Green*

Subscribed and sworn to before me this October 10th, 1901.

*J. A. S.*

Commissioner.



Cherokee Freedman D-535.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of  
Charity Trow as a Cherokee Freedman.

DECISION.

The record in this case shows that on June 5, 1901, Charity Trow appeared before the Commission at Chelsea, Indian Territory, and made application for the enrollment of herself as a Cherokee freedman. Further proceedings in the matter of said application were had at Vinita, Indian Territory, on October 3, 1901.

The evidence shows that Charity Trow, at the time of this application, was twenty-three years of age; that she was the daughter of one Louisa Ross, deceased. The said Louisa Ross was the slave of a Cherokee citizen at the commencement of the Rebellion, and resided in the Cherokee Nation; that during said Rebellion she removed from said Nation into the State of Kansas, and did not return to said Nation within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Messrs Whitmire, Trustees, etc. vs. The Cherokee Nation, et al., for the return of freedmen to said Nation. The applicant possesses no rights as a Cherokee freedman except such as she derives through her said mother. Neither the applicant nor her mother is identified on the 1880 authenticated Roll of the Cherokee Nation.

-121-

It is, therefore, the opinion of this Commission that the application for the enrollment of Charity Iron as a Cherokee Freedman, should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898, (30 Stat., 495) and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Jane Bixby.

Chairman.

(SIGNED)

T. B. Needles.

Commissioner.

(SIGNED)

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,  
this JUL 23 1904

Ac. F. F. 585-

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED  
JUN 17 1901



ACTING CHIEF

COMMISSIONERS:

HENRY L. DAWES,  
TAMM DIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Nowata, Indian Territory, June 17th, 1901.

Received of the Commission to the Five Civilized Tribes  
one copy of the original testimony of June 5th, 1901, in the  
matter of the application of Charity Trow for the enrollment  
of herself as a Freedwoman of the Cherokee Nation.

*Willetta Smith*

Attorney for Applicant.

Cherokee F. #D535.

2  
No. 535

INDIAN TERRITORY,  
CHEROKEE NATION.

I hereby certify that I served the with-  
in notice on.....

by delivering a true copy thereof on the  
..... day of..... A. D. 1901

Given under my hand this .....  
day of..... A. D. 1901.

Marshal for the Cherokee Nation.

I, the undersigned attorney for the  
within named applicant hereby accept  
service of the within notice on this the

..... day of..... 1901.

*Mellott & Smith*

Attorney for applicant.

UNITED STATES OF AMERICA, }  
INDIAN TERRITORY, } s. s.  
NORTHERN DISTRICT.

I do solemnly swear that I delivered a  
true copy of the within notice to.....

on the..... day of..... A.D. 1901

Subscribed and sworn to before me  
this..... day of..... A.D. 1901.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED  
SEP 13 1901

*[Signature]*  
ACTING CHAIRMAN



## NOTICE!

*IN THE MATTER OF* the application of Charity Trow  
for enrollment as a Cherokee citizen:

Case No. D 535

To Charity Trow or Melletta & Smith her Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Yenita, Indian Territory Indian Territory, on ~~Sept 17 1900~~ Oct, 7th or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 17 1900

B. Bell  
W. W. Hastings  
Attorneys for the Cherokee Nation.

COPY

Cherokee Freedman

D-535

Muskogee, Indian Territory, July 26, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Charity Tree as a Cherokee Freedman, including the Commissioner's decision dated July 25, 1904, rejecting said application.

Respectfully,

*T. B. Needles.*

Commissioner in Charge.

Encl. 8-138

Through the

Commissioner of Indian Affairs.

COPY

Cherokee Freedmen

D-535.

Muskogee, Indian Territory, July 28, 1904.

Hastings, Bell & Davenport,  
Attorneys for the Cherokee Nation,  
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated July 23, 1904, rejecting the application for the enrollment of Charity Trow as a Cherokee freedman.

The decision, with the record of proceedings, had this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

*I. B. Needles*  
Commissioner in Charge.

Encl. 2-137.

Register.

COPY.

Cherokee Freedman

D-536.

Muskogee, Indian Territory, July 28, 1904.

Wiglar Smith,

Attorney for Charity Trow,

Winita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated July 23, 1904, rejecting the application for the enrollment of Charity Trow as a Cherokee freedman. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings, has this day been forwarded to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

*T. B. Needles.*

Commissioner in Charge.

Encl. S-136.

Register.

COMMISSIONERS  
JAMES BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRACKINRIDGE

WM. J. BEALE,  
SECRETARY

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING  
**Cherokee Freedmen**

**D-535.**

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 28, 1904.

Charity Trew,

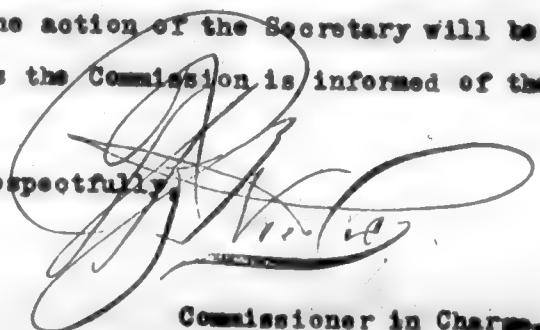
Vinita, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated July 23, 1904, rejecting your application for enrollment as a Cherokee freedman. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,



Commissioner in Charge.

Encl. S-135.

Register.



Refer in reply to the following  
Land.  
52169-1904.

Department of the Interior,  
Office of Indian Affairs,  
Washington, August 23, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated July 28, 1904, transmitting the record of the application for enrollment as a Cherokee freedman by Charity Trow.

July 23, 1904, the Commission decided adversely to the applicant.

The record shows that the applicant is the daughter of one Louisa Ross, deceased, who was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that she was taken out of the Cherokee Nation during the war and did not return on or before February 11, 1867; that the applicant, Charity Trow, was born about 1878, in the State of Kansas, and claims her sole right to enrollment through Louisa Ross, her mother.

The name of Louisa Ross is identified on the Kern-Clifton roll.

-2-

Neither the applicant nor her ancestor is identified on the 1880 authenticated Cherokee roll.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

W. A. Jones,

Commissioner.

M.H.M.

W.

JP

LRS

Department of the Interior,  
Washington

FHB

I.T.D. 6760-1904.

August 26, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

July 28, 1904, you transmitted the record in the matter of the application for the enrollment of Charity Trow as a Cherokee freedman, including your decision of July 23, 1904, rejecting said application.

Reporting in the matter August 23, 1904, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(signed) Thos. Ryan.

1 inclosure.

Acting Secretary.

469

COMMISSIONERS:

TAMM BEERY,  
THOMAS B. WHEELER,  
C. E. BARKINERIDGE,

WM. O. BRALL,  
Secretary.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

|  |
|--|
| REPORT IN REPLY TO THE FOLLOWING:<br><b>Cherokee Freedmen</b><br><b>D-535.</b> |
|--|

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, September 7, 1904.

Charity Trew,

Vinita, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision, dated July 23, 1904, rejecting your application for enrollment as a Cherokee freedman was affirmed by the Secretary of the Interior on August 26, 1904.

Respectfully,



Chairman.

COPY.

Cherokee Freedmen

D-535.

Muskogee, Indian Territory, September 7, 1904.

Hastings, Bell & Davenport,  
Attorneys for the Cherokee Nation,  
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated July 23, 1904, rejecting the application of Charity Trew for enrollment as a Cherokee freedman was affirmed by the Secretary of the Interior on August 26, 1904.

Respectfully,

SIGNED: *James Bixby*,  
Chairman.



COPY.

Cherokee Freedman

D-535.

Muskogee, Indian Territory, September 7, 1904.

Edgar Smith,

Attorney for Charity Trow,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 23, 1904, rejecting the application of Charity Trow for enrollment as a Cherokee freedman was affirmed by the Secretary of the Interior on August 26, 1904.

Respectfully,

SIGNED

*Tama Dixby*  
Chairman.

70 J. I. 880-

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
**FILED**  
JUN 5 1901

  
ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 5 1901  
 Post Office Vinita, Ok  
 District Doonesscouee

1. Name ..... Age .....  
 Owner's name ..... Citizenship .....  
 Year ..... Page ..... No. .... District ..... 1

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

Name of wife Charity Brown Age 23

Owner's name ..... Citizenship .....

Year ..... Page ..... No. .... District .....

Parents:

Father Wash Ross - dead Citizenship Colored

Mother Romosa Ross Citizenship .....

Names of Children:

| No. | Year | Page | No. | Dist. |
|-----|------|------|-----|-------|
| 3.  |      |      |     |       |
| 4.  |      |      |     |       |
| 5.  |      |      |     |       |
| 6.  |      |      |     |       |
| 7.  |      |      |     |       |
| 8.  |      |      |     |       |
| 9.  |      |      |     |       |
| 10. |      |      |     |       |
| 11. |      |      |     |       |
| 12. |      |      |     |       |

Application made by No 1 Stenographer B.C. Jones

Represented by Mellett & Smith, Vinita, Ok.

7.

7.2888

MAR 1902

*[Signature]*

ACTING CHAIRMAN

# **NOTICE.**

## **Cherokee - Freedmen - Enrollment.**

The Commission to the Five Civilized Tribes will continue in session at

### **MUSKOGEE, IND. TER.,**

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Clarity Trow,

Muskegon, I. T.

Cherokee-P-D-635.

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.



1504  
VINITA, IND. TER.

Department of the Interior.

Commission to the Five Civilized Tribes,  
MUSKOGEE, IND. TER.



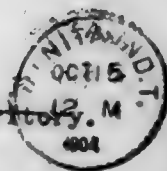
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UNCLAIMED.

General Office

Cherokee Freed.

~~Charity Trow,~~

~~Vinita, Indian Territory.~~



Department of the Interior

Commission to the Five Civilized Tribes,  
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



*Handwritten signature/initials*

Charity Trow,

Vinita, Indian Territory.

UNCLAIMED



*Handwritten numbers: 305/88*

*Handwritten notes: notes 2/27/02*

Department of the Interior.

Commission to the Five Civilized Tribes,  
MUSKOGEE, IND. TER.

Return to Writer

314  
221

1858

REGISTERED  
AUG 1 1894  
MUSKOGEE



~~Charity Town,~~

~~Vinita, Indian Territory.~~

SEP 5 1904

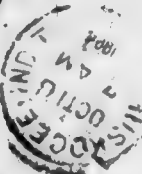
REGISTERED  
SEP 8 1904  
VINITA, IND. TER.

Department of the Interior.

A. 1.

1804

O. P.



Cher. Fr. R. 454

Trans. Cher. Fr. D. 20

Cher. Fr. R. 454



THIS CERTIFIES that William H. Fields of Marshalltown, Kansas and Lucretia Scott of London, Ohio were United in Matrimony by me on the first day of April, 1878 at Fort Gibson, Indian Territory, according to the ordinance of God and the laws of the State of United States.

M. A. Adams,

Chaplain U. S. Army.

Annie M. Adams.

Iola Gaines.

Witnesses.

I, Rev. Palmer, as stated above, in connection to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and complete copy of the original.

Palmer

DEPARTMENT OF THE INTERIOR,

Commission to the five Civilized Tribes,

Tahlequah I. T. May 13th 1904.

In the matter of the application for the enrollment of William H. Fields et al as Cherokee Freedmen.

Cherokee F. D. #20.

Brief for the Cherokee Nation.

In reply to the suggestion contained in Departmental Letter (I.T. D. 1160-1904) of date April 4th 1904 transmitting the letter of the Honorable Commissioner of Indian Affairs upon this case the Cherokee Nation desires to renew and emphasize again its protest against the enrollment of the applicant again calling attention to the argument heretofore submitted on part of the Cherokee Nation and in addition thereto the attention of the Department is urged to the fact that the records show that the applicant William H. Fields was himself a slave or a citizen of the Cherokee Nation at the commencement of the rebellion; that he was taken out of the Cherokee Nation by his mother to the State of Kansas where he continued to reside separate and apart with his mother for years after his fathers death at Manhattan, Kansas.

It will be noted that the letter of the Honorable Commissioner of Indian Affairs is dated February 6, 1904 and he therefore did not have before him the opinion of the Assistant Attorney General, Frank L. Campbell of date March 22nd 1904 (I.T. D. 641- 1904) wherein an opinion was rendered in reply to a request from the Attorneys for the Cherokee Nation and among other questions answer was given to the following:

"First, Whether or not a Freedman applicant as a citizen of the Cherokee Nation, who was a minor at the date of the ratification of the treaty of July 19, 1866 was exempt from the limitations upon the time within which Colored People were required to return to the Cherokee Nation under the said treaty"

He answered:

"The period of six months fixed by the treaty is not

a limitation upon the right but a condition qualifying the right given or created by the treaty. It is in the nature of a condition precedent, an essential part of the facts out of which the right given arises. There is no right independent of the existence of the condition imposed. Such limitations affect all alike, competent or incompetent."

It seems to us that the Honorable Commissioner of Indian Affairs and the Honorable Secretary of the Interior, in view of this opinion, should not order the applicants enrolled in this case.

The Honorable Assistant Attorney General holds it a "Condition precedent" and he further holds that the limitations upon the time of the return of all former slaves affect all alike, competent or incompetent. William H. Fields was himself a slave and he belonged to a Cherokee citizen and the treaty of 1866 created a right for him provided he took advantage of the conditions imposed and qualified under the treaty but he did not. He admits it. He lived for a number of years in the State of Kansas and it is quite clear that if the limitations upon the time affect all alike the applicants are not entitled to be enrolled as citizens of the Cherokee Nation.

The Honorable Commissioner of Indian Affairs quotes conspicuously from a letter or brief of William H. Fields. The attorneys for the Cherokee Nation protest that they never dreamed that the independent statement of facts made by the applicant in a letter in his own behalf would ever be received or considered as competent evidence in his own case. In fact he draws all of his own conclusions from the letter; we did not take the pains to vigorously contradict it for the reason that we thought that the Department would only consider the testimony of sworn witnesses taken before the Commission but it seems that the Honorable Commissioner of Indian Affairs finds that Abraham Fields was on the 1875 roll; this we are not prepared to admit. William H. Fields states that his father would have been upon the 1880 roll had he been alive; neither are we prepared to admit

this assertion but we do contend that even if they were true that William H. Fields himself having been a slave that he must come under the class of former slaves residing in the Cherokee Nation and not as descendants because the treaty refers to three classes:

First: Those who were slaves;

Second, Free Colored Persons residing in the Cherokee Nation;

Third, Descendants.

Now then it seems to us that the applicant could not be in two classes at one and the same time and clearly William H. Fields belongs in the first class because he was a slave and if it be held that he could not be classified as a "descendant" he would also come in the third class and be in the first class and the third class at one and the same time. It certainly has never heretofore been contended but what it was necessary for all slaves, miners and adults to return to the Cherokee Nation within the time prescribed by the treaty.

But it is further shown that after Abraham Fields died in the Cherokee Nation that this applicant continued to reside in the state of Kansas, and even for the sake of argument it is admitted, that the residence of the father of the applicant is the residence of the minor yet upon the death of the father the residence of the minor followed that of the mother who was in the state of Kansas but we contend in all seriousness and in all earnestness, that this construction should not be applied to the return of freedmen and for this reason; suppose for the sake of argument that the reverse was contended:

To wit:

That William H. Fields had been brought back to the Cherokee Nation within the time prescribed by the treaty and his father continued to live and die in the state of Kansas then as we understand the legal residence of the minor, although he physically returned to the Cherokee Nation within the time prescribed by the treaty, would have been in the same state of Kansas where his father resided and he would not

4  
be entitled to be enrolled as a freedman citizen of the Cherokee Nation. This would be a harsh construction and clearly as we think should not be placed upon the treaty of 1866.

Upon the other hand we contend that the opinion of the Commission to the Five Civilized Tribes was correct; that as the evidence shows the applicant was a slave and that as the assistant attorney general holds miners are not exempt from the limitations placed upon the time of their return that it was therefore necessary for William H. Fields to have himself returned to the Cherokee Nation within the time prescribed by the treaty and not having done so he is not entitled to be enrolled as a freedman citizen of the Cherokee nation.

Respectfully Submitted,

*W W Hastings, Jr.*  
Attorney for the Cherokee Nation.



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COMMISSION TO THE FIVE CIVILIZED TRIBES  
DEPARTMENT OF THE INTERIOR

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TO THE COMMISSIONERS OF THE FIVE CIVILIZED TRIBES  
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Department of the Interior,  
Commission to the Five Civilized Tribes,  
Fort Gibson, I.T., April 8, 1901.

In the matter of the application of William H. Fields for the enrollment of himself and one child as Cherokee Freedman,  
William H. Fields, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A William H. Fields.  
Q What is your post office address? A Fort Gibson.  
Q What district do you live in? A Tahlequah.  
Q Do you make application to be enrolled as a Cherokee Freedman?  
A Yes, sir.  
Q Did you ever apply to be enrolled by any other nation or tribe?  
A No, sir.  
Q What is your age? A 43.  
Q Who do you desire to enroll besides yourself? A My son,  
Elias B. Fields.  
Q How old is he? A He is 30.  
Q Are you married? A Yes, sir.  
Q Is your wife a Freedman? A No, sir.  
Q What is her name? A Her name is Lou Fields.  
Q Is she the mother of Elias B. Fields? A Yes, sir.  
Q Is she living? A Yes, sir; I am not on the 1880 roll, but I present my case as the descendant of a bona fide freedman.  
Q What was your father's name? A His name was Abram Fields.  
Q Is he living? A No, sir.  
Q When did he die? A He died in 1877.  
Q What was your mother's name? A Sallie.  
Q Is she living? A No, sir, she is dead.  
Q When did she die? A September 2 of last year.  
Q Is she a Cherokee freedman? A Yes, sir.  
Q Is your mother's name on the roll of 1880? A No, sir, she never returned.  
Q Were you ever born a slave? A Yes, sir.  
Q What was the name of your owner? A George Whitmire, in Going Snake district, so my mother said.  
Q Was my he a Cherokee? A He was a Cherokee.  
Q Where were you at the beginning of hostilities between the United States and the Confederacy? A Going Snake district.  
Q Were you taken out during the war? A Yes, sir, my mother taken my out.  
Q Where to? A Kansas.  
Q How long did you live in Kansas? A I remained there until I returned in 1877; I remained there going to school and after I came back I have been teaching here 23 years.  
Q When did you return? A In 1877; I taught as soon as I got through school.  
Q What month? A In December, 1877.  
Q How old were you when you returned? A 30 years old.  
Q Where were you born, do you recollect the date of your birth?  
A Born in 1858.  
Q You say you have some witnesses here? A Yes, sir, Mike Fields, my father's brother; also George Sanders.

Mike Fields, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Mike Fields.  
Q What is your age? A 64.  
Q What is your post office address? A Bragg.  
Q Do you know William H. Fields? A Yes, sir.  
Q What relation are you to him? A I am his uncle.  
Q Do you know where he was born? A Yes, sir.

W.H.F.- 2.

Q Where? A In Flint, on a Creek they call Peavine Creek; in Going Snake.

Q Was it in the Cherokee Nation? A Yes, sir.

Q Was he born a slave? A Yes, sir.

Q What was the name of his owner? A Fork, Eli Fork.

Q Where was William H. Fields during the war between the Confederacy and the United States? A He was up in Kansas at school.

Q Was he born in Kansas? A No, sir, he was born in the Cherokee Nation before the war.

Q How long did he remain in Kansas? A I can't tell you; after he got of ~~much~~ age he came from Kansas, after peace.

Q How long after peace? A I don't know; it was in 1877 I think.

Q Do you know what month? A No, sir.

Mr. W. W. Hastings, attorney for Cherokee Nation: What was his father's name? A Abram Fields.

Q What was his mother's name? A Sallie.

Q Did you ever see his mother after the war? A No, sir, I never did.

Q Do you know when she died? A It hasn't been more than four or five months since she died.

Q Was it in Kansas? A Yes, sir.

Q Do you know what place in Kansas? A Manhattan.

Q Do you know where Mr. Fields went to school in Kansas after the war? A No, sir, I don't know where he went to school, but when he came from there his father said he would leave him there to get his education.

William H. Fields, recalled, testified:

Mr. Hastings: Where did you go to school? A Manhattan.

Q That is the same place your mother lived? A Yes, sir.

Q You stayed with your mother up till 1877? A Yes, sir, I stayed there till 1877.

Q She continued to live in Manhattan? A She never returned at all; my father and I had a regular correspondence with a view to my returning all the time after I got my education.

Q Did you come back in 1877? A Yes, sir, in December.

Q You lived there with your mother until 1877? A Yes, sir, I lived there in town.

Q Did your mother ever marry again? A Yes, sir.

Q She died in Kansas? A She died last September 8.

Q What is the exact date of your birth, do you know? A 1858, January 17.

Commissioner Needles: How old were you when you returned? A 20.

George O. Sanders, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A George O. Sanders.

Q What is your age? A 68.

Q What is your post office address? A Gibson.

Q Do you know William H. Fields? A Yes, sir.

Q How long have you known him? A Why I can't remember, I don't suppose, well some 15 or 20 years.

Q Do you know whether he was born a slave or not? A I think so.

Q What was the name of his owner? A Why Mrs. Fork.

Q Do you know where he was during the war between the Confederacy and the United States? A No, sir.

Q Do you know when he returned or became a resident of the Cherokee Nation? A No, sir, I don't remember that.

Q Did you know his father, Abram Fields? A Yes, sir.

Q Were you the administrator of his estate? A No, sir, I was district judge of Illinois district.

By William H. Fields: You know that you appointed someone administrator of Abram Fields' estate? A Yes, I appointed an administrator of Abram Fields.

Q And you remember that I was one of the heirs? A I think in the division of the estate you were one of the heirs.

William H. Fields, recalled, testified:

Commissioner Needles: Were you taken out of the Cherokee Nation by your father? A Yes, sir, I was taken out by my parents, they went out together, a whole lot of us.

Q Is your name on any of the rolls of the Cherokee Nation? A Yes, sir, I am enrolled on the Wallace roll and on the Kerne and Clifton roll, and also on the 1893 roll of Cherokees; I have never been disputed in any respect whatever.

Q You say you have always been recognized as a Cherokee citizen?

A Yes, sir.

Q Do you own any property in the Cherokee Nation? A Yes, sir, I have a place out here, have taught school under this honorable attorney; he knows me as a teacher of twenty odd years, (indicating Mr. Hastings), and if it is necessary to state, you will find Abram Fields on the 1875 roll.

Q Is Elias B. Fields on the roll of 1890? A No, sir, he was born in 1890.

Q Is his name on the roll of 1896? A No, sir, it is on the Wallace and Clifton, with mine, and on the roll of 1893.

Q You say your wife's name was Lou Fields? A Yes, sir.

Q Was she a citizen? A No, sir.

Q Were you ever married to her? A Yes, sir.

Q Have you a certificate of marriage? A Yes, sir, but I haven't it here; I married right here in the past in 1878.

Q You know that the law compelled you to be here six months after the ratification of the treaty of 1866 in order to show your citizenship? A Yes, sir.

Q You didn't come here till ten years after that? A Yes, sir, but I remained at school; they sent me there to school.

The 1890-authenticated roll of Cherokee Freedmen examined and the applicants not identified thereon.

The 1896 census roll of Cherokee Freedmen examined, and the applicants not identified thereon.

Q You never had your son put on? A No, sir, I couldn't have him put on.

The Kerne-Clifton pay-roll examined, and the applicants identified thereon as follows:

William H. Fields on page 128, No. 2707, Coconocowee district, as W. H. Fields.

Elias B. Fields on page 108, No. 2708, Coconocowee district, as Elias Fields.

Q Where was Elias born? A Elias was born in Ohio; his mother is a state woman and her people live in Ohio; she was there visiting her people when he was born.

Q Has he lived in the Cherokee Nation all his life? A Yes, sir; don't know any other place.

Commissioner Needles: William H. Fields applies for the enrollment of himself and his son, Elias B. He makes satisfactory proof that he was born a slave, and as a child was taken to the state of Kansas, and remained there until 1877, when he returned to the Cherokee Nation. He avers that he was born in 1858, and he returned to the Cherokee Nation when he was 20 years of age. His name is found on the Kerne-Clifton roll, and the name of his son Elias B. is also found on said roll. The applicant avers that he was married to his wife, Lou, a non citizen, who is the mother of his child Elias B. He presents

W.H.F. - 4.

no satisfactory proof of his marriage, which it will be necessary for him to produce of the fact that said William H. Fields was a minor when he was taken out of the Cherokee Nation, and a minor when he returned, judgment as to his enrollment and that of his son will be suspended and his name will be placed upon a doubtful card.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this the 6th of April, 1901.



Commissioner.



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

*J. A. A.*

In the matter of the application for the enrollment of  
William H. Fields and his minor child, Elias B. Fields, as Cherokee  
Freedmen:

D E C I S I O N

The record in this case shows that on April 8, 1901,  
William H. Fields appeared before the Commission at Fort Gibson,  
Indian Territory, and made personal application for the enrollment  
of himself and minor child, Elias B. Fields, as Cherokee Freedmen.

The evidence shows that the applicant, William H. Fields,  
was the slave of a Cherokee citizen at the commencement of the  
rebellion; that, during said rebellion, he left the Cherokee Nation  
and did not return thereto until after January 19, 1867.


The evidence further shows that the said Elias B. Fields  
is the minor child of the said William H. Fields by his wife, Lou  
Fields, a non citizen.

The names of said applicants are not found on the 1880  
authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the  
application for the enrollment of William H. Fields and Elias B.  
Fields, as Cherokee Freedmen, should be denied under the provisions  
of Section Twenty-one of the Act of Congress approved June 28, 1898  
(30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
\_\_\_\_\_  
Chairman.

  
\_\_\_\_\_  
Commissioner.

*T. R. Beckwith*  
\_\_\_\_\_  
Commissioner.

*W. E. H. ...*  
\_\_\_\_\_  
Commissioner.

Muskogee, Indian Territory,

this            JUL. 1901.

Encl. m1-194

DEPARTMENT OF THE ARMY  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
F. I. M. S.  
JAN 3 1903

DEC 24 1902

Received from the Commission to the Five Civilized Tribes one copy of the testimony in the  
matter of the application of William N. Fields et al

for enrollment as Freedmen of the Cherokee Nation.

Cherokee IN No. N 70

Wm. Rasmus  
Atty for applicants

Cherokee 3, B-20

Muskogee, Indian Territory, December 24, 1902.

William F. Rasmus,

Attorney for William H. Fields et al.,

Tahlequah, Indian Territory.

Dear Sir:

As requested in your letter of December 20, there is enclosed  
you herewith a copy of the testimony taken in the matter of the  
application of William H. Fields et al., for enrollment as  
Cherokee Freedmen.

Please sign and return to the Commission the receipt for  
this testimony. Your name has been entered as attorney for the  
applicants in this case.

Respectfully,

Acting Chairman.

Enc. M-194

COPY.

Cherokee Freedmen  
D-20

Muskogee, Indian Territory, July 23, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of William H. Fields for the enrollment of himself and his child, Elias B. Fields, as Cherokee freedmen, including the Commission's decision dated July 10, 1903, rejecting said application.

Respectfully,

*T. E. Needles*  
Commissioner in Charge.

Through the  
Commissioner of Indian Affairs.

Enc. D-35



COPY.

Cherokee Freedmen  
D-20

Muskogee, Indian Territory, July 23, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,  
Tahlequah, Indian Territory,

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, rejecting the application of William H. Fields for the enrollment of himself and his child, Elias B. Fields, as Cherokee freedmen.

The decision, together with the record of proceedings had in the case; has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

*T. B. Needles.*

Commissioner in Charge.

Enc. D-34

COPY.

Cherokee Freedmen  
D-29

Muskogee, Indian Territory, July 23, 1903.

William F. Rasmus,

Attorney for William H. Fields, et al.,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, rejecting the application of William H. Fields for the enrollment of himself and his child, Elias B. Fields, as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

*T. B. Needles.*

Commissioner in Charge.

Enc. D-33

Register.

COPY.

Cherokee Freedman  
D-20

Muskogee, Indian Territory, July 23, 1903.

William H. Fields,

Port Gibson, Indian Territory

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, rejecting your application for the enrollment of yourself and child, Elias B. Fields, as Cherokee freedman. There has heretofore been furnished your attorney, William F. Ramms, Tahlequah, Indian Territory, a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

*T. B. Nease*

Commissioner in Charge.

Enc. D-32  
Register.

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COPY

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Washington, February 6, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith for the consideration of the Department the record of the proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of William H. Fields for the enrollment of himself and his minor child Elias B., as Cherokee Freedmen.

On July 10, 1903, the Commission rendered a decision in this case finding from the evidence that the applicant William H. Fields was a slave of a Cherokee citizen at the commencement of the rebellion; that during said rebellion he left the Cherokee Nation and did not return thereto until after January 19, 1867; that the said Elias B. Fields is the minor child of the said William H. Fields by his wife, Lou Fields, a non-citizen; and that none of the names of these applicants are found on the 1880 authenticated roll of the Cherokee Nation. By reason of said findings and facts the Commission is of the opinion that these applications should be denied under the provisions of section 21 of the act of Congress approved June 26, 1896 (30 Stats., 495).

I have examined the testimony submitted in this case and the principal applicant testifies that he is 43 years old; that his father's name was Abram Fields, who died in 1877, and that his

mother's name was Hallie, who is also dead. The witness further testifies that his mother was a Cherokee Freedman, and that her name is not on the 1873 roll because she never returned.

The applicant says he was born a slave, was owned by George Whitmire, who was a Cherokee citizen; that his mother took him out during the war to Kansas where he remained until 1877, going to school; and that he has now been teaching in the Cherokee Nation for 23 years. The applicant states that he was twenty years old when he returned.

The witness, Mike Fields, testifies that he is 66 years old; that he is an uncle of the applicant, who, he states was born in the Cherokee Nation and was a slave, his owner's name being Eli Fork. This witness further testifies that the applicant was up in Kansas at school during the war, and on cross examination states that he never saw his mother, Hallie, after the war; that she died recently at Manhattan, Kansas.

George O. Sanders, the next witness, testifies that he knew the father of the applicant whose name was Abram Fields, and the witness further states that as district judge of Illinois district, he appointed an administrator of the estate of Abram Fields.

Upon being recalled, the applicant testifies that his father took him out of the Cherokee Nation; that he has always been recognized as a Cherokee citizen; that he owns a place in the Cherokee Nation and has taught school in said nation for over twenty years; and that his father Abram Fields is on the 1873 roll.

In addition to the record there is transmitted herewith a



communication from said William H. Fields, addressed to the Honorable Secretary of the Interior, dated August 4, 1903, in which he makes a statement relative to his citizenship case. In this statement he sets out that his father returned to the Cherokee Nation immediately after the ratification of the treaty of 1866, in company with his brother, Mike Fields, leaving this applicant in school, with the understanding that he was to come home as soon as he completed his education, which he did.

The applicant claims that he is entitled to enrollment as the minor child of one who complied with all the stipulations of said treaty of 1866. He further states that his father, Abram Fields, settled on an adjoining farm to his brother Mike Fields; that he enjoyed all the rights of the Cherokee citizens, voted, drew money in 1875, and died in December, 1877; his estate being administered on by his brother, Mike Fields, who was appointed by District Judge George G. Sanders of Illinois District, Cherokee Nation.

The applicant further states that the name of Mike Fields is on the 1880 roll, as would have been the name of his father, Abram Fields, had he lived. The applicant then again states that he returned to the Cherokee Nation just out of school on December 24, 1877; that he received his first appointment to teach, February 11, 1878, and has lived in the nation and taught ever since.

There is also transmitted herewith the communication of W. W. Hastings, attorney for the Cherokee Nation, dated September 10, 1903, addressed to the Secretary of the Interior, in which he states that

He has received a copy of the protest of the applicant, William H. Fields, against the decision of the Commission, wherein his application for enrollment as a Cherokee citizen was rejected, and that the nation's reply is enclosed with request that it be filed in the case and be considered when the case comes up for review by the Department.

In this reply on the part of the nation, it is claimed that the testimony shows that William H. Fields was born in 1858 and was himself a slave; that his mother took him out of the Cherokee Nation during the war to the State of Kansas where he continued to reside until 1877, when he returned to the Cherokee Nation where he has since resided continuously; that the testimony further shows that the applicant lived with his mother in the State of Kansas for about ten years, after it was too late for him to qualify under the treaty of 1866; and that his mother never returned to the Cherokee Nation. It is then claimed that the 19th article of the treaty of 1866, required all former slaves of citizens of the Cherokee Nation either to be residents of the Cherokee Nation when the treaty was entered into, or to return within six months after the ratification of the treaty; that the testimony shows that the applicant himself was a Cherokee Freedman, and that he is not the descendant of a Cherokee Freedman as contended by him in his letter appealing his case. The attorney for the nation then argues that a descendant of a Cherokee Freedman would be one born subsequent to and not prior to the civil war; and that for this reason the decision of the Commission should be affirmed.

Inasmuch as the attorney for the nation had a copy of the statement of this applicant made in his own behalf, and inasmuch as the

attorney for the Cherokee Nation does not contend that said statement is false, I take it that the same can be considered as true, and for that matter it is for the most part corroborated by the testimony in the record.

If the father of this applicant, Abram Fields, was a slave of a Cherokee citizen at the commencement of the rebellion, and returned to the Cherokee Nation within the time stipulated by the treaty of 1866, there can be no question but that he was entitled to all the benefits of citizenship in the Cherokee Nation. It appears that, in fact, he received all such benefits, drew money in 1873, exercised the right of franchise in the nation; and that upon his death in 1877, the Cherokee authorities took cognizance of his estate and an administrator was duly appointed thereon by the proper Cherokee court.

It is further contended by the applicant that if his father had lived until 1880, his name would have been upon that roll, the same as his brother's name, Mike Field, with whom he returned to the nation.

The only question then to be determined in this case is whether or not this applicant, having been a slave himself, had to return to the Cherokee Nation prior to February 11, 1867 in order to obtain citizenship rights, or whether his father having so complied, the applicant himself being a minor, would vest his minor son with citizenship rights. This is the only point the nation seeks to make, and apparently admits all the other facts connected with the case. I think the nation is clearly wrong in its definition of the word "descendants" as applied to this case.

I consider that the residence of the father of this applicant during his minority determines the place of residence of the minor son, and that although he remained in Kansas going to school, he in law was a resident of the Cherokee Nation, and if I am correct in this view, it is not necessary to define the meaning of the word "descendant" as used in the treaty of 1865.

I am clearly of the opinion that this applicant is entitled to enrollment as a Cherokee Freedman, and therefore recommend that the decision of the Commission be set aside and that William H. Fields and his minor child, Elias H. Fields, be enrolled by the Department.

Very respectfully,

Commissioner.

W.C.B.(B)

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I.T.D. 1890-1904.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

April 4, 1904.

V.C.F.

THE

L.R.S.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

July 23, 1903, you transmitted the record in the matter of the application of William H. Fields, for the enrollment of himself and his child, Elias H. Fields, as Cherokee freedmen, including your decision of July 10, 1903, rejecting the applicants.

On August 4, 1903, the principal applicant, William H. Fields, filed an argument in behalf of the applicants, and on September 10, 1903, the attorney for the Cherokee Nation filed an answer to the same.

Reporting February 6, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be set aside, and that the applicants be enrolled as Cherokee freedmen.

You are directed to notify the applicants and the attorney for the Cherokee Nation of the recommendation of the Acting Commissioner, and to allow said attorney thirty days within which to submit any further argument he may desire, and the applicant ten days within which to reply to same.

A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

1 inclosure.

signed

Thos Ryan  
Acting Secretary.



Cherokee Freedmen  
D 20

Washago, Indian Territory, April 18, 1904.

William F. Ransom,

Attorney for William H. Fields, et al.,  
Tahlequah, Indian Territory.

Dear Sir:

The Commission is in receipt of Departmental letter of April 4, inclosing a copy of Commissioner of Indian Affairs' letter of February 6, recommending the reversal of the Commission's decision of July 10, 1903, rejecting the application for the enrollment of William H. Fields, et al., as Cherokee freedmen, case No. F. D. 20.

In accordance with the Department's instructions the attorney for the Cherokee Nation has this day been advised that he will be allowed thirty days from date hereof in which to file with the Commission for transmission to the Secretary of the Interior any argument he may desire to submit in this case, a copy of which argument he will be required to furnish the applicant. You are advised that the applicant will be allowed ten days additional within which to file with the Commission for transmission to the Secretary a reply to said argument.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen  
B 20

Muskogee, Indian Territory, April 18, 1904.

William H. Fields,

Fort Gibson, Indian Territory.

Dear Sir:

The Commission is in receipt of Departmental letter of April 4, inclosing a copy of Commissioner of Indian Affairs' letter of February 6, recommending the reversal of the Commission's decision of July 10, 1903, rejecting your application for the enrollment of yourself, et al., as Cherokee freedmen.

In accordance with the Department's instructions the attorney for the Cherokee Nation has this day been advised that he will be allowed thirty days from date hereof in which to file with the Commission for transmission to the Secretary of the Interior any argument he may desire to submit in this case, a copy of which argument he will be required to furnish you. You are advised that you will be allowed ten days additional within which to file with the Commission for transmission to the Secretary a reply to said argument.

Respectfully,

Commissioner in Charge.

**Cherokee Freedmen  
B 20**

**Muskogee, Indian Territory, April 18, 1904.**

**W. W. Hastings,  
Attorney for the Cherokee Nation,  
Tahlequah, Indian Territory.**

**Dear Sir:**

The Commission is in receipt of Departmental letter of April 4, inclosing a copy of Commissioner of Indian Affairs' letter of February 6, recommending the reversal of the Commission's decision of July 10, 1903, rejecting the application for the enrollment of William H. Fields, et al., as Cherokee Freedmen, case No. F. D. 20.

In accordance with the Department's instructions you are advised that you will be allowed thirty days from date hereof in which to file with the Commission for transmission to the Secretary of the Interior any argument you may desire to submit in this case, a copy of which argument you will be required to furnish the applicant.

**Respectfully,**

**Commissioner in Charge.**

D.O. 30864-1904.

( C O P Y )

W.C.F.

J.P.

FHE

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

I.T.D. 4468-1904.

August 18, 1904.

L.R.S.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

On July 23, 1903, you transmitted the record in the matter of the application of William H. Fields for the enrollment of himself and his child, Elias B. Fields, as Cherokee freedmen, including your decision of July 10, 1903, rejecting said applicants.

Reporting February 6, 1904, the Acting Commissioner of Indian Affairs recommended that your decision be set aside and that said applicants be enrolled.

On April 4, 1904, you were directed to notify the applicants and the attorney for the Cherokee Nation of the Acting Commissioner's recommendation, and allow said applicants and attorney time to file argument in the case.

With your communication of May 21, 1904, you transmitted a brief and argument filed by the attorney for the nation, together with the reply of the applicants thereto. Forwarding said communication June 1, 1904, the Acting Commissioner states that in view of the opinion of the Assistant Attorney General of March 22, 1904 (2528-04), that the limitations of the treaty of 1866 "affected all alike, competent or incompetent," the position taken by the

Indian Office in its letter of February 6, 1904, is untenable. The Acting Commissioner therefore withdraws the recommendation contained in said letter, and recommends the approval of your decision.

It appears from the record that the principal applicant was a slave of a Cherokee citizen at the beginning of the war of the rebellion; that during said war he was taken into the State of Kansas, and that he did not, actually or constructively, return to the Cherokee Nation until 1877. The Department therefore concurs in the recommendation of the Acting Commissioner, and your decision is hereby affirmed.

A copy of the Acting Commissioner's letter of June 1, 1904, is inclosed.

Respectfully,

(Signed) THOS RYAN

Acting Secretary.

1 inclosure.



Cherokee Freedmen  
D-20.

Muskogee, Indian Territory, May 21, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

Replying to Departmental letter of April 4, 1904, (I.T.D. 1160-1904), in the Cherokee freedmen application of William H. Fields et al., there is herewith enclosed argument filed by the attorney for the Cherokee Nation, together with a reply thereto filed by the applicant.

Respectfully,

Commissioner in Charge.

Through the  
Commissioner of Indian Affairs.

Enc. D-2.

( C O P Y )

Refer in reply to  
the following:

LAND  
35194-1904.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON, June 1, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of April 4, 1904, (I.T.D. 1116), there is enclosed herewith a report from the Commission to the Five Civilized Tribes, dated May 21, 1904, transmitting brief and argument filed by the attorney for the Cherokee Nation together with a reply thereto filed by the applicant in the application for the enrollment of William H. Fields, et al, as Cherokee freedmen.

From the records of this office it appears that William H. Fields was the slave of a Cherokee citizen at the commencement of the war; that he removed from the Nation during the war, and that he did not return thereto until after February 11, 1867.

In office report of February 6, 1904, for the reasons therein stated, it was recommended that the decision of the Commission adverse to the enrollment of William H. Fields and his minor child, Elias B. Field, be set aside, and that the Commission be directed to enroll them. From the records of the office it appears that William H. Fields was a minor when he left the Cherokee Nation.

The Assistant Attorney General in an opinion of March 22, 1904, said that the limitations of the treaty of 1866 "affected all alike, competent or incompetent." From this opinion it would appear that the applicants are not entitled to enrollment and that the position taken in office report above mentioned is not tenable, as the principal applicant did not return within the time specified by the treaty.

The recommendation contained in said report is now withdrawn and the approval of the Commission's decision is recommended.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

GAW-WDW

Cherokee Freedmen

2-37.

Muskogee, Indian Territory, August 18, 1904.

William P. Rammas,

Attorney for William H. Fields, et al.,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated July 10, 1903, rejecting the application of William H. Fields for the enrollment of himself and his minor child, Elias H. Fields, as Cherokee freedmen was affirmed by the Secretary of the Interior on August 18, 1904.

Respectfully,

Chairman.

Cherokee Freedmen

D-20.

Muskogee, Indian Territory, August 30, 1904.

Hastings, Bull & Deavenport,

Attorneys for the Cherokee Nation,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision, dated July 10, 1904, rejecting the application of William H. Fields for the enrollment of himself and his minor child, Elias B. Fields, as Cherokee freedmen was affirmed by the Secretary of the Interior on August 15, 1904.

Respectfully,

Chairman.



Cherokee Freedmen

D-20.

Muskogee, Indian Territory, August 30, 1904.

William H. Fields,

Fort Gibson, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated July 10, 1903, rejecting your application for the enrollment of yourself and your minor child, Elias B. Fields, as Cherokee freedmen was affirmed by the Secretary of the Interior on August 18, 1904.

Respectfully,

Chairman.

COPY.

Muskogee, Indian Territory, January 12, 1905.

Commissioner in Charge,

Cherokee Land Office,

Tahlequah, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of January 7, asking to be furnished with copies of Cherokee Freedmen Rejected card, Field No. 454, William H. Fields, et al., and Cherokee Doubtful card, Field No. 2575, Benjamin Pope. You state that the Cherokee Land Office has not been advised that the applicants on Cherokee Freedmen Doubtful card No. 20 have been transferred to Cherokee Freedmen Rejected card No. 454. You also ask to be advised as to the status of the applications for the enrollment of Katie Adair, on Cherokee Freedmen Rejected card No. 106, and Amanda Sanders, on Cherokee Freedmen Doubtful card No. 567.

In reply there are herewith inclosed copies of the cards requested. By referring to page three of the Commission's letter addressed to you on December 28, 1904, it will be noted that you were advised that the Commission's decision rejecting the application for the enrollment of William H. Fields, was affirmed by the Secretary of the Interior on August 16, 1904. By

referring to page fifteen of said letter it will be noted that you were advised that the application for the enrollment of Benjamin Pope had been dismissed.

You are further advised that the Commission's decision rejecting the application for the enrollment of Amanda Sanders, et al., Cherokee Freedmen D-557, was affirmed by the Secretary of the Interior on November 14, 1904, and the Commission ordered to determine the rights of the said Amanda Sanders as a Cherokee Freedman by intermarriage.

The rights of this person and Katie Adair, Cherokee Freedmen R-106, who is also an applicant for enrollment as a Cherokee freedman by intermarriage, are still pending before the Commission, as it has not yet finally passed upon this class of applicants.

Respectfully,

(SIGNED) *Tamie Dixby.*  
Chairman.

Incl. 8-31.

COPY.

Charokee Freedman  
B-484.

Muskogee, Indian Territory, March 3, 1905.

William H. Fields,  
Coffeyville, Kansas.

Dear Sir:

In accordance with the request contained in your letter of February 17, 1905, there is herewith inclosed a marriage certificate showing the marriage of yourself to one Luena Scott on April 1, 1878, copies thereof having been retained in the General office of the Commission.

Respectfully,

Encl. 1-12.

(SIGNED). *C. R. Breckinridge.*  
Commissioner in Charge.

William H. Fields--2.

The Act of Congress approved April 26, 1906.

(Public No. 129), in part provides as follows:

"...and no motion to reopen or reconsider any citizenship case, in any of said tribes shall be entertained unless filed with the Commissioner to the Five Civilized Tribes within sixty days after the date of the order or decision sought to be reconsidered except as to decisions made prior to the passage of this Act, in which cases such motion shall be made within sixty days after the passage of this Act."

Respectfully,

(Signed) Tams Birby

L M B

Commissioner.



C. S. Y.

T. D. # 20

\* R \* 454.

Coffeyville, Kan.

May 24-06.

Hon. Sec - Interior,

Washington,

D. C.

Dear sir:-

I humbly beg your honor to carefully examine the evidence in my application to the Hon. Commission to the Five Civilized Tribes in 1901 to be enrolled as a Cherokee freedman. You will observe from the head of this letter that I was listed by the Commission T. D. # 20. In 1903 the Commission notified me that they had rendered an adverse decision in my case. I immediately wrote a letter or brief, the contents of which the Atty for the Cherokee Nation acknowledged, and forwarded the same to you. A few months after this the Commission notified me that they had received a letter from the Commissioner of Indian Affairs, recommending the reversal of their decision in my case and stated that the Atty for the Cherokee Nation would be allowed thirty days to make any argument or protest he may desire and I would be given ten days to prepare a reply. In my reply to the protest of the Cherokee Nation I endeavored to cover all essential points, but the following year, 1904, I was notified by the Commission that your honor had approved of their decision and therefore, my application for enrollment would be cancelled.

In March 1906, Attys Blue & Bulger reopened my case along with others, but I can't see or learn what good they have done. I desire to call your attention to the following facts in the case of William H. Fields and his son Elias H. Fields, applicants for enrollment as Cherokee freedmen:

- First. The evidence in my case which is or should be in your possession, proves that I was born Jan. 17, 1858, in the Cherokee Nation of parents who were owned by Cherokees from their birth and who were lawfully married by a minister of the gospel.
- Second. It proves that my parents left the Cherokee Nation during the war of the rebellion taking me with them to Kansas.
- Third. It proves that right after the ratification of the treaty of 1866, my father Abram Fields and his brother Mike Fields returned to the Cherokee Nation and located, leaving me in school with instruction to come home as soon as I could educate myself sufficiently to become a teacher.
- Fourth. The evidence also proves that when I made application to the Commission for enrollment, that I stated all the facts about being left in school and asked to be enrolled as a minor descendant of Abram Fields who died in Dec. 1877, Dist. Judge Geo. O. Sanders appointed Mike Fields administrator of the estate of deceased, and Wm H. Fields was one of the heirs who shared said estate.
- Fifth. The evidence proves that the applicant Wm H. Fields returned to the Cherokee Nation in Dec. 1877 and has never been out of the Nation longer than three months since my return, having been employed to teach school on Feb. 11,

1878 and continued to teach until May 1904.

Sixth. The evidence plainly shows that the Atty for the Cherokee Nation objected to me being enrolled simply because I was born a few years before my parents were liberated. The question "Domicile", has enrolled several freedmen whose cases are exactly like mine and who returned about the same time I did. Jessie Alberty, Henry Rider and Geo. Alberty were enrolled as being minors in 1866.

Now Mr. Secretary, I beg you most humbly to carefully examine the evidence in my case for I am confident that there is no evidence in the matter except what I have outlined in this letter, unless it was taken without my knowledge.

Treating that you will give my case a few minutes thought and write me the full facts, I beg to remain

Your most humble servant -

William H. Fields F.D-20  
B-434.

Cherokee Freedmen  
R-434

Muskogee, Indian Territory, May 25, 1906.

William H. Fields,

Ft. Gibson, Indian Territory.

Dear Sir:-

You are hereby advised that the motion filed by  
your attorneys September 7, 1905, for a review in your Cherokee  
freedman enrollment case, was dismissed by the Department  
May 2, 1906.

Respectfully,

Commissioner.

ENC



Mustagee, Indian Territory, May 25, 1906.

Miss A. Bulger,

Attorneys for Miss A. Arnold, et al.,  
Vinita, Indian Territory.

Dear Sirs:-

You are advised that this office is in receipt of Departmental letter of May 2, 1906, a copy of which is enclosed herewith, denying motions filed by you September 7, 1905 for review in the Cherokee Freedmen enrollment cases of Miss A. Arnold and others named in said letter.

Respectfully,

Commissioner.

WMP



Washago, Indian Territory, May 29, 1906.

Bell, Hastings & Newport,

Attorneys for Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:-

You are advised that this office is in receipt of Departmental letter of May 2, 1906, a copy of which is enclosed herewith, denying motions by Blue & Bulger, filed September 7, 1905, for review in the Cherokee Freedmen enrollment cases of Eliza A. Arnold and others named in said letter.

Respectfully,

Commissioner.

ENC

DEPARTMENT OF THE INTERIOR, J.V.H.

WASHINGTON. FEB.

I.T.D. 9997-1906.

June 8, 1906.

I.T.D.

William H. Fields,

Jeffersonville, Kansas.

Sir:

Receipt is acknowledged of your letter of May 24, 1906, relative to your enrollment as a Cherokee freedman.

This letter is in the nature of a motion for reconsideration of the decision of the Department in your case, rendered August 18, 1905. Said decision was adverse to your application, the Department holding therein that the principal applicant in the case of William H. Fields, et al, was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that during said war he was taken into the State of Kansas, and that he did not, actually or constructively return to the Cherokee Nation until 1877.

On September 7, 1905, a motion for review of said decision was filed (I.T.D. 8355-05) This motion was dismissed by departmental decision of May 2, 1906; addressed to the Commissioner to the Five Civilized Tribes, of which you will be duly advised.

The motion now under consideration lacks evidence of service upon the attorney for the Cherokee Nation; it is therefore returned to you. Such service may be made personally or by registered mail, and must be shown by the affidavit of the party to whom made. If made by registered mail, the post office registry receipt or return receipt should also be furnished.

According to section 1 of the act of April 26, 1906 (Public 129) such motions should be filed through the Commissioner to the Five Civilized Tribes within sixty days after said date, or, where decisions are rendered thereafter, within sixty days after the date of said decision. Your attention is also directed to paragraph 2 of section 3 of said act, which reads as follows:

"The roll of Cherokee freedmen shall include only such persons of African descent, either free colored or the slaves of Cherokee citizens and their descendants, who were actual personal bona fide residents of the Cherokee Nation August eleventh, eighteen hundred and sixty-six, or who actually returned and established such residence in the Cherokee Nation on or before February eleventh, eighteen hundred and sixty-seven; but this provision shall not prevent the enrollment of any person who has heretofore made application to the Commission to the Five Civilized Tribes or its successor and has been adjudged entitled to enrollment by the Secretary of the Interior."

You are at liberty to resubmit your motion for review if you so desire, through the Commissioner to the Five Civilized Tribes.

Respectfully,

(Signed) Jesse E. Wilson

1 inclosure.

Assistant Secretary.

454

Indexed

Commissioner to Five Tribes  
Received  
Jul 28 1906

Fields, Wm. H.  
Coffeyville, Kansas  
June 27, 1906.

Transmits registry receipt  
in matter of application for  
review of his citizenship  
case

Cherokee enrollment

D.C. 26458

COPY.

Gaffayville, Ia., 6-27-06.

The Com. to the S Civ. Tribes,  
Muskogee, I.T.

Gentlemen:-

Enclosed please find registry return receipt of a communication or paper which I sent to Mr. Hastings for his signature. It was an application to the Interior Department for a review in my citizenship case. I first sent the letter to the Sec-of-Interior & he considered it an application for a review in my case & advised me to have the Atty for the Cherokee Nation sign it & then send paper to your honor to be forwarded to the Department. The 60 days from May 2 the time allowed to file my application will expire on the 24 of July & the atty has never returned my paper so I could send it to you. It may be that the atty turned said paper over to your honor. If he did please advise me & oblige

Wm H. Fields

Freedman R 454.



Cherokee  
R 254

(COPY)

Muskogee, Indian Territory August 9, 1906.

William H. Fields,  
Coffeyville, Kansas.

Dear Sir:

This office is in receipt, on June 28, of your letter of June 27, 1906, enclosing a Registry return receipt for a letter mailed by you at Coffeyville, Kansas and addressed to W. W. Hastings, Tahlequah, Indian Territory. You state that the receipt is for a communication or paper, which you sent Mr. Hastings for his signature, and that it was an application to the Interior Department for a review of your citizenship case.

In reply you are advised the records of this office show that your application for enrollment as a Cherokee freedman was denied by the Secretary of the Interior August 18, 1904, and that a motion for review of your case filed September 7, 1905, was denied by the department May 2, 1906.

The records fail to show that any other motion to reopen or review your case has been filed.

R 454

Indexed

Commissioner to Five Tribes  
Received

Aug 16 1906

Fields, Wm. H.  
Coffeyville, Kansas.  
Aug 14, 1906

Encloses letter from Secretary of  
Interior corroborating his  
statement relative to negli-  
gence of Atty for Cherokee  
Nation in signing certain papers  
in his case

COPY.

D.C. 34741

Cherokee R 254.

Coffeyville, Ks., 8-14-06.

The Com. to the S Civ. Tribs,

Gentlemen:-

Enclosed please find letter from the Assistant Sec- of Interior, dated June 8, 1906. This letter fully explains & corroborates the statement I made in my letter to you concerning the neglect of Mr- Hastings in signing the fore mentioned paper I sent to him. You can see from this letter from Sec- that I acted as advised by him & did so within the prescribed time by the law. Now, if Mr. Hastings wilfully refused to sign this paper & return to me or deliver it to your honor before the time expired I feel that he has treated me unjustly. The paper was filed by the Sec. of Interior at Washington & bore his signature & date of reception on the back. Please inform me if I shall be made responsible & forever debarred of my constitutional rights because the Atty for the Cherokee Nation neglected his duty.

Respectfully,

Wm H. Fields.

Cherokee Freedmen  
R 454

(COPY)

Muskogee, Indian Territory, August 22, 1906

William H. Fields,  
Coffeyville, Kansas.

Dear Sir:

This office is in receipt of your letter of August 14, referring to its letter of August 9, in reply to your letter of June 28, in reference to a certain motion which you claim to have filed with the Department for a review of your Cherokee freedman enrollment case. You enclose with your letter of August 14, a letter from the Interior Department dated June 8, 1906, referring to your letter of May 24, and returning a motion for a reconsideration of your case. The Department states that the motion lacks evidence of service upon the attorney for the Cherokee Nation, and advised you as to what will be required to make proper proof of service on the Attorney for the Cherokee Nation, and advised you as to the law with reference to the filing of motions for a review or rehearing of Cherokee cases.

William H. Fields-2.

In reply you are advised that further examination has been made of the records of this office and they fail to show that any motion for a reconsideration of your Cherokee freedmen enrollment case has been filed with this office within the time required by law. You should forward to this office at the earliest practicable date the motion which you claim to have forwarded to the Attorney for the Cherokee Nation, and which you state was never returned to you, or to file with this office a copy thereof, and upon receipt of same it will receive due consideration.

Respectfully,

(Signed) Tams Bixby

Commissioner.

L M B



Cherokee Freedman  
R 454.

Muskogee, Indian Territory, September 1, 1906.

William H. Fields,  
Geffeyville, Kansas.

Dear Sir:

This office is in receipt of your letter of August 24, enclosing, what purports to be, a motion for a review of your Cherokee freedman case, which motion you stated in your letter to this office of June 27, 1906, you forwarded to the attorney for the Cherokee Nation for him to accept service thereon.

The original motion referred to, which it appears was transmitted to the Department with your letter of May 24, and returned to you by the Department on June 8, 1906, has been delivered to this office by Mr. Hastings, and the copy transmitted with your letter of August 24 is returned herewith, the same not being a correct copy of your original motion.

You will be advised of any further action taken in connection with your case.

Respectfully,

M.A. Encl. 31-8.

Acting Commissioner.

Cherokee Freedmen  
R 454

Muskogee, Indian Territory, October 2, 1906

William H. Fields,  
Coffeyville, Kansas.

Dear Sir:

Referring to this office's letter of September 1, 1906, you are advised that your motion for a review of your Cherokee freedmen case not having been filed with this office within sixty days from the approval of the Act of Congress of April 26, 1906 ( 34 Stat., 137), has this day been forwarded to the Secretary of the Interior to be filed with the papers in your case.

Respectfully,

L M B

Commissioner

Muskogee, Indian Territory, October 2, 1906

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a copy of a communication dated June 27, 1906, received June 28, 1906, from William H. Fields, Coffeyville, Kansas, enclosing a Registry return receipt for a letter mailed by him at Coffeyville, Kansas, addressed to W. W. Hastings, Tahlequah, Indian Territory. He states that the communication sent to Mr. Hastings was an application for review of his Cherokee citizenship case. The registry return receipt, together with copies of correspondence had with him, the Department's letter to William H. Fields, dated June 8, 1906, the petition referred to by him, which was delivered to this office by W. W. Hastings, attorney for the Cherokee Nation, on August 29, 1906, are also enclosed.

The motion for review seems to have been forwarded to the Department with the applicant's letter of May

Secretary -2

24, 1906, and returned by the Department June 8, 1906 (I.T.D. 6097-1906), with the advice that the Department refused jurisdiction on two grounds, to-wit:

First: Said motion failed to show service upon the attorney for the Cherokee Nation; and

Second: It had not been filed with the Commissioner to the Five Civilized Tribes as provided by the Act of Congress approved April 26, 1906;

the applicant being further advised that he could procure service personally or by registered mail, and he was instructed as to the proper way to make proof thereof, also that he was at liberty to resubmit his motion by filing the same with the Commissioner to the Five Civilized Tribes within the time provided by law.

The records of this office show that the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, rejecting the application of William H. Fields for the enrollment of himself and his minor child, Elias H. Fields as Cherokee freedmen, was affirmed by the Department August 16, 1904 (I.T.D. 4468-1904).

Section 1 of the Act of Congress approved April 26, 1906 (34 Stat., 137), reads, in part, as follows:

"No motion to reopen or reconsider any citizenship case, in any of said tribes, shall be entertained unless filed with the Commissioner to the Five Civilized Tribes within sixty days after the date of the order or decision sought to be

Secretary-3.

reconsidered except as to decisions made prior to the passage of this Act, in which cases such motion shall be made within sixty days after the passage of this Act:"

It is the opinion of this office that the foregoing provision of law is susceptible of but one construction which is that in order to confer jurisdiction motions must have been filed with the Commissioner to the Five Civilized Tribes within the time specified therein.

As the motion herewith transmitted was not filed with the Commissioner to the Five Civilized Tribes within sixty days after the approval of the aforesaid Act of Congress, it is the opinion of this office that there is no authority for receiving or considering the same. The papers in connection with the motion are therefore transmitted to be filed with the record in the case of William H. Fields, et al.

Respectfully,

Through the

Commissioner.

Commissioner of Indian Affairs.

L M R

Encl. B-74.



COPY

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

Land:  
89568, 1906.

October 24, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated October 2, 1906, and enclosing a copy of a letter from William H. Field, of Coffeyville, Kansas, enclosing a return registry receipt for a letter mailed by him at Coffeyville, Kansas, addressed to W. W. Hastings, Tahlequah, Indian Territory, which he states contained an application for review of his Cherokee freedman citizenship case. The registry receipt and copies of the correspondence with Mr. Fields Departmental letter of June 8, 1906, and the petition referred to by him which was turned over to the Commissioner by W. W. Hastings on August 29, 1906, are also enclosed by the Commissioner and transmitted herewith.

The motion for review was received by the Department May 31, 1906, and was returned to Mr. Field with Departmental letter of June 8, 1906 (I.T.D. 6097, 1906), informing Mr. Fields that his motion did not show service upon the attorney for the

Cherokee Nation, and was returned to him with instructions to make the service either personally or by registered mail, and informing him that he was at liberty to re-submit his motion for review through the Commissioner to the Five Civilized Tribes if he so desired.

The Commissioner is of the opinion that Section 1 of the Act of Congress approved April 26, 1906, is susceptible of but one construction; that is, that in order to confer jurisdiction, motions to reopen or reconsider cases must have been filed with the Commissioner to the Five Civilized Tribes within the time limit therein prescribed, and since the motion under consideration was not filed within the sixty days, is of the opinion that his office has no authority to receive or consider the same:

From the enclosures sent up, it appears that after the motion was returned to Mr. Fields by the Department, he sent it by registered mail addressed to W. W. Hastings, at Tahlequah, I. T., on June 14, and the return registry receipt shows that W. W. Hastings received the motion on June 16, 1906, and that he retained the motion in his office until August 29, 1906, long after the time limit within which it should have been filed with the Commissioner. Mr. Fields appears to have acted as his own attorney, and to have acted within the time limit prescribed by the Act of Congress of April 26, 1906, and one reason why his motion did not reach the Commissioner to the Five

Civilized Tribes was on account of Mr. Hastings retaining the same in his office, probably thinking that it was intended as a copy of the original motion to be filed with the Commissioner by the applicant.

The Office is of the opinion that Mr. Fields has not been guilty of laches and has acted with due promptness so far as his knowledge of the necessary procedure allowed him to do so. In view of the peculiar circumstances in this case, it would appear to be equitable and just to consider the filing of the motion with the Department, May 31, 1906, as a filing with the Commissioner, and the Office would respectfully recommend that it be so considered and that the Commissioner to the Five Civilized Tribes be directed to receive and consider the motion making a nunc pro tunc order therein.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EVE-McC.

(COPY)

D.C. 47863-1906.

DEPARTMENT OF THE INTERIOR,

Y.P.  
FHE.

I.T.D. 21300-1906.

WASHINGTON.

L.R.S.

October 30, 1906.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

Receipt is acknowledged of your letter of October 2, 1906, submitting a petition by William H. Fields, dated May 24, 1906, for review of departmental decision of August 18, 1904, adverse to the claimants in the Cherokee freedman case of William H. Fields and his child. What was called a motion for review in this case was refused May 2, 1906. The present motion was originally filed in the Department May 31, 1906, and returned to Fields June 8, 1906, with information as to the manner of making and filing motions for review. Misunderstanding such information, he sent his motion, on June 18, 1906, by registered letter to the attorney for the Cherokee Nation, who delivered it to you August 29, 1906.

Referring to section 1 of the act of April 26, 1906 (34 Stat., 137), relative to the time within which motions for rehearing and review in such cases might be filed, you expressed the opinion that the law is susceptible of but one construction, which is that in order to confer jurisdiction motions must have been filed with the Commissioner within the time specified

therein. As the motion did not reach your office within sixty days after the approval of said act, it is your opinion that there is no authority for reviewing or considering the same.

The Indian Office, submitting your report October 24, 1906 (Land 39568), recommends that you be directed to consider the motion, as it considers its filing with the Department in May, 1906, as "a filing with the Commissioner."

In view of the fact that the Department finds no merit in the motion, whether filed in time or not, as there is no question that the applicant did not return from Kansas to the Cherokee Nation until many years after the time fixed in the treaty of 1866, the motion is denied.

Attention is called to the opinion of the Assistant Attorney-General in the matter of the applications of James Martin and Mary A. Watson for enrolment as Cherokee freedmen, of September 26, 1906, approved by the Department, a copy of which was sent you October 9, 1906.

A copy of the Indian Office letter is inclosed. The motion has been sent to the Indian Office for its files.

Respectfully,

(Signed) E. A. Hitchcock.

Secretary.

Through the Commissioner  
of Indian Affairs.

1 inc. and 2 to Ind. Of.



Cherokee V  
R 484.

Muskogee, Indian Territory, November 9, 1906.

William H. Fields,  
Coffeyville, Kansas.

Dear Sir:

You are hereby advised that the motion filed by you for a review in your Cherokee freedman enrollment case, was denied by the Secretary of the Interior, October 30, 1906.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Incl.C-12  
LMC

Cherokee F.  
R 454.

Muskogee, Indian Territory, November 9, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation.

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the motion for a review in the Cherokee freedman enrollment case of William H. Fields, et al., was denied by the Secretary of the Interior, October 30, 1906.

For your information, there is enclosed herewith a copy of departmental decision referred to.

Respectfully,

Commissioner.

Incl.C-13  
LMC

B FD 20

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED  
APR 8 1901

 ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date APR 8 1901

Post Office For file

District Tall

1. Name William H. Fields Age 43  
 Owner's name George Whitmore Citizenship Sherokee  
 Year K.C. Roll Page 108 No. 2707 District Co.

Parents:

Father Abram Fields Citizenship Colored D  
 Mother Sallie Field Citizenship " .D

2. Name of wife

Owner's name

Year Page No. District

Parents:

Father

Mother

Names of Children:

3. Elias B. Fields Year K.C. Roll Page 808 No. 2707 Dist. Co. 20

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by W. H. Fields

Stenographer Jones B. C.

on K.C. Roll "W. H. Fields"

(3) on K.C. Roll "Elias Fields"

Certificate of Marriage to be filed.

10 - J.W. 70

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**  
MAR 11 1902



ACTING CHAIRMAN.



# **NOTICE.**

## **Cherokee - Freedmen - Enrollment.**

• The Commission to the Five Civilized Tribes will continue in session at

**MUSKOGEE, IND. TER.,**

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

William H. Fields,

Fort Gibson, I.T.

Cherokee F-D-20

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Cher. Fr. R. 455

Trans. C. F. D. 38

Cher. Fr. R. 455

A F F I D A V I T.

UNITED STATES OF AMERICA,) )  
INDIAN TERRITORY (SS.  
WESTERN DISTRICT )

On this day personally appeared before me, the undersigned,  
a Notary Public within and for the Western District of the Indian  
Territory, Abe Davis, of Fort Gibson, Indian Territory, to me personally  
well known, who being duly sworn, on oath states:

"My name is Abe Davis.

My age is 52 years and my Post Office is Fort Gibson, Indian Territory."

I am acquainted with the applicant, William McClure and have known  
him all of his life. He was born in Fort Gibson, Cherokee Nation,  
Indian Territory, in March 1866, or about that time and has lived in  
the Cherokee Nation all of his life. His mother's name was Sarah  
Adair, afterwards S. McClure and her owner was Eliza Adair. The said  
Eliza Adair was a recognized citizen of the Cherokee Nation, Indian  
Territory at the beginning of the war of the rebellion."

his  
ABE DAVIS      x  
mark

Subscribed and sworn to before me this 14 day of June, A.D., 1906.

W. D. Mc BRIDE

Notary Public.

(SEAL)

My Commission expires 6<sup>th</sup> July 1908.

COMMUNICATIONS TO THE VICE CONSULS

MAILED -

JUN 13 1898

COMMUNICATIONS

ANNALS

3/2

On this day personally appeared before me, the undersigned, Notary Public within and for the Eastern District of New York, JOHN BURGESS of Fort Gibson, Indian Territory, a well known, who being duly sworn, on oath stated: That he is JOHN BURGESS.

He is 48 years and of Fort Gibson, Indian Territory. He is acquainted with the applicant, William Adams, who is a well known citizen of this life. He is born in Fort Gibson, Indian Territory, in 1850, and has lived in this territory all his life. His father's name is William Adams. He said William Adams is a recognized citizen of this territory.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of William McClure  
as a Cherokee Freedmen.

MOTION FOR REHEARING.

Comes now the applicant, William McClure, and moves the Honorable Secretary of the Interior to rescind the Departmental decision of October 9, 1905 which affirmed the decision of the Commission to the Five Civilized Tribes dated February 24, 1905 rejecting the application of William McClure for enrollment as a Cherokee Freedmen, and request that this case be remanded to the Honorable Commissioner to the Five Civilized Tribes and that the applicant be given a rehearing in his case.

The applicant has witnesses by whom he can prove that he was born in Fort Gibson, Indian Territory, in March 1866 and that he has lived in the Cherokee Nation all of his life; that his mother's name was Ara McClure and that her owner was Eliza Adair and that the said Eliza Adair was a recognized citizen of the Cherokee nation, Indian Territory, at the beginning of the war of the rebellion; and that the said Ara McClure established her residence in the Cherokee nation prior to February 11, 1867. The applicant hereto attaches the affidavits of two of his witnesses in support of this Motion. He has other witnesses by whom he can prove the same statement of facts, but attaches only the two affidavits for the purpose of showing the Department his good faith in this matter.

The record in this case shows that on April 9, 1901 William McClure appeared before the Commission at Fort Gibson, Indian Territory, and made application for the enrollment, among others, of himself as a Cherokee Freedmen.

The Commission's Decision found that the evidence shows that the applicant, William McClure was born about the year 1866 and is the child of one Ary McClure, nee Adair, and one Jesse McClure, both deceased



The Commission also said that after ample opportunity having been offered him, said applicant has failed to establish that he possesses any rights to enrollment as Cherokee Freedmen and that following the rulings of the Department in the case of Eliza Bryant et al., (ITD 36-1904), the application for the enrollment of William McClure as a Cherokee Freedmen was denied.

Upon a rehearing of this cause the applicant expects to prove that his Mother was the slave of a Cherokee Citizen at the commencement of the war of the rebellion and that she ~~was~~ resided in the Cherokee Nation in 1866 and continued to reside therein until her death; that the applicant was born in the Cherokee Nation and that he is entitled to be enrolled as a Cherokee Freedmen.

Starr & Patten

Attorneys for applicants.

UNITED STATES OF AMERICA, )  
INDIAN TERRITORY ) ss.  
WESTERN DISTRICT )

J. C. STARR, of lawful age, being duly sworn, on his oath, says that he is one of the Attorneys for Applicants in the above entitled Citizenship case; and that the Motion is made not for the purposes of delay but in order that justice may be done.

J. C. Starr

Subscribed and sworn to before me this 11th day of June, A. D., 1906.

Jessie Patten

NOTARY PUBLIC.

My commission expires December 16, 1909.

A F F I D A V I T.

UNITED STATES OF AMERICA,)   
 INDIAN TERRITORY { SS.   
 WESTERN DISTRICT }

On this day personally appeared before me, the undersigned, a Notary Public within and for the Western District of the Indian Territory, HARRY STARR of Fort Gibson, Indian Territory, to me personally well known, who being duly sworn, on oath states:

"My name is HARRY STARR.

"My age is 53 years and my Post Office is Fort Gibson, Indian Territory. I am acquainted with the applicant, William McClure and have known him 39 years. He was born in Fort Gibson, Cherokee Nation, Indian Territory in March, 1846 and has lived in the Cherokee Nation all of his life. His Mother's name was Ara McClure and her owner was Eliza Adair. The said Eliza Adair was a recognized citizen of the Cherokee Nation, Indian Territory at the beginning of the war of the rebellion".

HARRY STARR <sup>his</sup> x <sub>mark</sub>

Subscribed and sworn to before me this 11<sup>th</sup> day of June, A. D., 1906.

S. W. D. McBRIDE

Notary Public.

(SEAL)

My Commission expires 6<sup>th</sup> July 1907.

A F F I D A V I T.

UNITED STATES OF AMERICA,) ss.  
INDIAN TERRITORY  
WESTERN DISTRICT )

On this day personally appeared before me, the undersigned, a Notary Public within and for the Western District of the Indian Territory, JOHN BURGESS of Fort Gibson, Indian Territory, to me personally well known, who being duly sworn, on oath states:

"My name is JOHN BURGESS.

My age is 48 years and my Post Office is Fort Gibson, Indian Territory.

I am acquainted with the applicant, William McClure and have known him all of his life. He was born in Fort Gibson, Cherokee Nation, Indian Territory, in March, 1866 and has lived in the Cherokee Nation all of his life. His Mother's name was Ara McClure and her owner was Eliza Adair. The said Eliza Adair was a recognized citizen of the Cherokee Nation, Indian Territory at the beginning of the war of the rebellion".

JOHN BURGESS

Subscribed and sworn to before me this 11<sup>th</sup> day of June, A. D., 1906.

W. D. McBride,

Notary Public.


(SEAL)

My Commission expires 6<sup>th</sup> July 1908.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES

**FILED**

JUL 5 - 1906

  
COMMISSIONER

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of William McClure as a Cherokee freedman, F. D. 38. *CF 14 455*

Protest of Cherokee Nation Against Motion  
to Reopen.

The record in this case shows that the applicant was rejected on February 24, 1905, by the Commission to the Five Civilized Tribes, and that his rejection was approved by the Department on October 9, 1905. The applicant has made application first on April 9, 1901, before the Commission at Fort Gibson. Later on he was represented by Louis T. Brown as agent for the applicant.

The decision of the Commission states:

"After ample opportunity having been afforded him said applicant has failed to establish that he possesses any rights to enrollment as a Cherokee freedman, and he cannot be identified on any roll of the Cherokee Nation."

It would seem that the Commission to the Five Civilized Tribes held the decision in this case from April, 1901, to February, 1905, or very nearly four years, and recite in their judgment that ample opportunity had been afforded the applicant to introduce such testimony as he desired. Now, the Commission sat at Fort Gibson almost a month in April of 1901, and also at other times.

But the attorneys for applicant state that he can prove certain facts by two witnesses whose affidavits are attached. Let's see what these affidavits disclose. Harry Starr signs by mark. He is a freedman citizen and his postoffice is Fort Gibson. There is no reason in the world shown in the motion why Harry Starr could not have been introduced at Fort Gibson during the month of April, 1901, or for four years thereafter at Muskogee, I. T., which is only nine miles west of Fort Gibson, where the Commission has had its head quarters ever since. The next witness gives his name as John Burgess and his postoffice as Fort Gibson, and he attempts



to state the same thing as stated by the other witness. Now does it not look reasonable to the Department that if these witnesses stated the truth that William McEllure represented by Louis T. Brown as he was, could have found witnesses in the town in which he was born when the commission sat at that town for a month during that year and various times before and subsequent to that time and all the while had headquarters at Muskogee only nine miles west of Fort Gibson where these ~~my~~ witnesses could have been introduced at any time to have testified on behalf of applicant?

We submit that the above is sufficient to show that the motion is not made in good faith; that the statements purported to have been made are not true, and we submit further from this record that we are entitled to say that this motion is not made in good faith and should be denied by the Department.

Respectfully submitted,

*Signed* W. W. Hastings

Attorneys for the Cherokee Nation.

COMMISSION TO THE FIVE CIVILIZED TRIBES  
DEPARTMENT OF THE INTERIOR

SEP 18 1891

F. I. T. 1891

received not on the 1st of 1891 having been born  
since then was born and during the will be alive.  
The enrollment as before stated. In order to place  
the enrollment of 1891 Year it will be necessary for  
the Commission to file in the Commission satisfactory proof as  
to the birth of each child.

Chas. W. ... being sworn states that as stenographer to the  
Commission to the Five Civilized Tribes he reported in full all the  
proceedings in the above cause and that the foregoing is a full  
true and correct transcript of his stenograph, his record thereof.  
(Signed) Chas. W. ...

Subscribed and sworn to before me this the 28th of April, 1891.  
at Fort Gibson, Okla.

(Signed) T. W. Needles.

Commissioner.

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J. O. ... being first duly sworn, states that as stenographer  
to the Commission to the Five Civilized Tribes he carried the  
foregoing and that same is a true and complete copy from the original.

Subscribed and sworn to before me this 28th of April, 1891.

Commissioner.

To be filed with case of William McClure, et al., D.C. - D. #38.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
FORT GIBSON, I.T., APRIL 24th, 1901.

In the matter of the application of Dora Wear for the enrollment of herself and six children as Cherokee Freedmen, she being sworn by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Dora Wear.  
Q What is your age? A 28.  
Q What is your post office address? A Foreman, I. T.  
Q What district do you live in? A Sequoyah.  
Q Do you make application for enrollment as a Cherokee Freedman?  
A Yes, sir.  
Q Have you ever applied for enrollment as a Freedman of any other Nation? A No, sir.  
Q Who do you desire to have enrolled besides yourself? A My children.  
Q How many? A Six.  
Q What is the oldest child's name? A Mamie.  
Q How old is she? A 14.  
Q Next child? A Conway.  
Q How old? A 11.  
Q Next child? A William.  
Q How old? A 9.  
Q Next child? A Kandora.  
Q How old? A 3.  
Q Next child? A Edward L.  
Q How old? A Three months.  
Q Are you married? A Yes, sir.  
Q What is your husband's name? A Bruster Wear.  
Q Is he a citizen? A No, sir.  
Q What is your father's name? A Jesse McClure.  
Q What is your mother's name? A Ary McClure.  
Q Is she living? A No, sir.  
Q Was she a citizen? A Yes, sir.  
Q What was your maiden name? A Pack, I went by both names, Pack and McClure, my grandmother was named Pack.  
Q Are these children all alive and living with you now? A Yes, sir.  
Q Have you always lived in the Cherokee Nation? A Yes, sir.  
Q Were you born and raised there? A Yes, sir.

The 1880 authenticated roll of citizens of the Cherokee Nation examined and the applicant identified thereon as follows, page 565, No. 1371, Dora Pack, Illinois district.

The 1896 census roll of the Cherokee Nation examined and the applicants identified thereon as follows:

Page 1126, No. 109, Dora Pack, Sequoyah district.

Page 1128, No. 141, Mamie Ware, Sequoyah district.

Page 1128, No. 142, Conway Ware, Sequoyah district.

Page 1128, No. 143, William Ware, Sequoyah district.

By Com'r Needles: The name of Dora Wear is found on the authenticated roll of 1880 and the census roll of 1896 as Dora Pack, she having been enrolled by her grandmother whose name was Pack. She avers that she is married to one Bruster Wear, by whom she has six children of whom Mamie, Conway and William Wear are found on the census roll of 1896; she avers that she has three children whose names are not found on said roll, McKinley, Kandora and Edward L. Wear; she presents satisfactory proof as to the birth of Kandora and Edward L., but not as to McKinley. They are all duly identified and make satisfactory proof as to residence and satisfactory proof as to the birth of Kandora and Edward L. whose

names are not on the census roll of 1896, having been born since tape was compiled, consequently they will be listed for enrollment as Cherokee Freedmen. In order to complete the enrollment of McKinley Year it will be necessary for applicant to file with the Commission satisfactory proof as to the birth of said child.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(Signed) Chas. von Weise.

Subscribed and sworn to before me this the 9th of April, 1901, at Fort Gison, I.T.

(Signed) T. B. Needles,  
Commissioner.

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J. O. Resson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing and that same is a true and complete copy from the original.

J. O. Resson

Subscribed and sworn to before me this September 16th, 1901:

M. D. Green  
Commissioner.

A

7-538



DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED  
APR 11 1901

*[Handwritten signature]*

ACTING COMMISSIONER



Department of the Interior,  
Commission to the Five Civilized Tribes,  
Fort Gibson, I. T. April, 9th 1901.

In the matter of the application of William McClure for the enrollment of himself, and wife and children as Cherokee Freedmen; he being sworn by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A. William McClure.  
Q What is your age? A. 35.  
Q What is your post office address? A. Foreman.  
Q What district do you live in? A. Sequoyah.  
Q Do you make application for enrollment as a Cherokee Freedman?  
A Yes sir.  
Q Have you ever made application for enrollment as a Freedman of any other Nation? A. No sir.  
Q Have you been recognized as a Freedman by the Cherokee authorities?  
A Well in part.  
Q Is your name on the roll of 1880? A. No sir.  
Q Who do you desire to have enrolled besides yourself? A. My wife and children.  
Q How many children? A. Seven.  
Q What is your wives name? A. Ibbie.  
Q What is her age? A. 34.  
Q What is her maiden name? A. Barden.  
Q What are the names of these children? A. Louis Barden.  
Q What is her age? A. 15.  
Q Next child? A. Luby Barden.  
Q How old? A. 13.  
Q Next child? A. Oscar Barden.  
Q How old? A. 10.  
Q Next child? A. Cornelious McClure.  
Q How old? A. 7.  
Q Next child? A. Henry W. McClure.  
Q How old? A. 5.  
Q Next child? A. Ary McClure.  
Q How old? A. 3.  
Q Next child? A. Lee McClure.  
Q How old? A. Three months.  
Q Is your wife a citizen? A. Yes sir.  
Q What is your fathers name? A. Nathan Melton.  
Q Is he living? A. Yes sir.  
Q What is her mother's name? A. Rosanna.  
Q Is she alive? A. Yes sir.  
Q Are these children all alive and living with you now? A. Yes sir.  
Q Were you born a slave? A. No sir, I was born after the surrender.  
Q What is your fathers name? A. Jess McClure.  
Q What is your mothers name? A. Ary Adair.  
Q Was your mother a slave? A. Yes sir.  
Q Where were you born? A. About Fort Gibson.  
Q Have you always lived in the Cherokee Nation? A. Yes sir.  
Q What is the reason that you are not on the 1880 roll? A. I was with my father; we were living up in Flint and he never did register.  
Q You say that your mothers name was Ary Adair and that she was a slave, who was her owner? A. Eliza Adair.

The 1880 authenticated roll of the Cherokee Nation examined and the applicants wife identified thereon as follows:  
page 708, No. 838, Jay Milton, Sequoyah district.

The 1896 census roll of the Cherokee Nation examined and applicants identified thereon as follows— page 1135, No. 96, Ibbey L. Melton, Sequoyah district. page 1135, No. 97 Lewis McClure, Sequoyah district; page 1135, No. 98 Leoney McClure, Sequoyah district; page 1135, No. 99 Oscar McClure, Sequoyah district. page 1135, No. 100, Cornelious McClure, Sequoyah district; page 1135, No. 101, Wm McClure, Sequoyah district.

Wm. McClure 2.

- Q Are these children all alive and living with you? A. Yes sir.  
Q Has your wife always lived in the Cherokee Nation? A. Yes sir.  
Q Living here now? A. Yes sir.  
Q How about yourself? You say you was born after the war? A. Yes sir, in 1868.  
Q And you say your mother was named Ary Adair? A. Yes sir.  
Q Were you born in the Cherokee Nation? A. Yes sir.  
Q Have you always lived in the Cherokee Nation? A. Yes sir.  
Q Never have lived outside of it? A. No sir.

By Cherokee Representative W. W. Hastings:

- Q What part of the Cherokee Nation were you born? A. Ft. Gibson.  
Q When you were old enough to remember where were you? A. Right here with my grandmother.  
Q Who was she? A. Judy Pack.  
Q Do you know who Ary Adair belonged to? A. To Elise Adair.  
Q Didn't draw Strip money did you? A. Yes sir.

By Commissioner Headlee:

William McClure applies for an enrollment of himself, his wife and seven children. His name is not found on the roll of 1880 or 1896, and he makes no satisfactory proof as to his citizenship, but by reason of the facts set forth in the testimony his name will be placed on a doubtful card and final judgment as to his enrollment will be suspended. His wife Ibbie is found on the authenticated roll of 1880 as Jay Helton, but having been her maiden name; she is duly identified as Ibbie McClure, who afterwards having married the applicant, William McClure. He avers that she had three children when he married her, their names being, Louis, Lunny, and Oscar Garden, and that as a result of his marriage to her he has four other children named, Cornelious, Henry W., Ary, and Leo McClure. The names of Louis, Lunny, Oscar, Cornelious, and Henry W. are all identified on the census roll of 1896 as McClure, and the names of the two youngest children, Ary and Leo McClure are not identified on said roll, they having been born after same was compiled. They are all duly identified and make satisfactory proof as to residence, consequently his wife Ibbie and her children as herein named, will be duly listed for enrollment as Cherokee Freedmen. In order to complete the enrollment of her two youngest children, Ary and Leo McClure, it will be necessary for him to file proof of birth as to them.

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Chas. von Weiss, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above case and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 11th day of April, 1901, at Fort Gibson, I. T.

*Chas. von Weiss*

Commissioner.

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COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR

SEP 19 1901

H. J. B. B.

U.S. DEPT. OF THE INTERIOR

Commissioner of the Five Civilized Tribes, Muskogee, Oklahoma Territory.  
The following is a true and correct copy of the report of the

J. O. Krison, being first duly sworn, states that he is  
employed by the Commission of the Five Civilized Tribes  
and has recorded the testimony and proceedings in this case,  
thereof, in a true and complete transcript of his notes  
and files thereof.

*[Signature]*

Subscribed and sworn to before me this September 19, 1901.

7938

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
FORT GIBSON, IT., SEPTEMBER 13, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of William McClure, et al., as Cherokee Freedmen, introduced on the part of the applicants:

APPEARANCES:

Louis T. Brown, Agent for applicant;  
W. W. Hastings, Cherokee Representative:

JAMES A. BROWN, being duly sworn by Commissioner Needles, testified as follows: BY MR. BROWN:

- Q State your name. A James A. Brown.  
Q What is your age? A I was born in 1860.  
Q Your post office address? A Beuga.  
Q Are you a recognized citizen of the Cherokee Nation?  
A No, sir, I ain't a citizen, of course I just married her.  
Q Do you know William McClure the applicant in this case?  
A Yes, sir.  
Q What was his mother's name? A His mother was named Mary.  
Q What was his father's name? A Jesse McClure.  
Q Do you know a sister of his by the name of Dora Weir?  
A Yes, sir.  
Q What relation is Dora Weir to William McClure? A Brothers and sisters.  
Q Are they full brothers and sisters? A I can just tell you how much I know about that; why this here McClure he married this woman, her mother, and of course a dispute come up that she is not, and McClure swears in Judge Parker's court that it was his son and Dora was his daughter, of course I could not tell you whether they were full brothers and sisters or not.  
Q Is the father of Dora Weir the mother of William McClure?  
A Same mother.  
Q Do you know why that William McClure's name does not appear upon the authenticated roll of 1880? A Of course I lived in Sequoyah district and McClure, after he married this first woman & a Sequoyah ~~district~~ she died and he went up here in Flint and he married another woman by the name of Caroline Starr and he was called a doubtful citizen.  
Q Now, which McClure do you speak of being a doubtful citizen?  
A Jesse McClure, the father of William, and after he married Caroline, Caroline was disputed and after they come up to enroll they got Caroline McClure on the doubtful roll and they failed to get him down and they thought Caroline was his mother.  
Q Caroline McClure was his stepmother? A Yes, sir.  
Q Now, what are the name of the mother of William McClure? A Ary.  
Q Ary what? A I don't know; Ary is all I know, she was Ary McClure.  
MR. HASTINGS:  
Q Where were you born? A I was born in Arkansas.  
Q When did you come to the Cherokee Nation? A I got here to the Cherokee Nation in '66.  
Q Have you lived here continuously since that time? A No, sir.  
Q When was the first time you ever knew William McClure, the applicant? A I knowed William McClure about '79.  
Q You have known him since about '79? A Yes, sir.  
Q Where was he living at that time? A When I knew him to first knew him he lived in Flint.  
Q Where did he live in 1880? A He lived in Sequoyah district.  
Q Were you present at the time this application for enrollment was made in 1880, standing there when the census takers was there, or just heard about it? A I was up there & that day, John Childers and Harrison Foreman was making the roll.  
Q John Childers an old resident of that district? A Yes, sir.

- Q Harrison Foreman? A Yes, sir.  
Q Did Morgan also? A Yes, sir.  
Q Do you know Dora Weir? A Yes, sir.  
Q How long have you known her before that? A I knowed Dora just about the same time; I didn't know her since I knowed, well Dora lived up here.  
Q You didn't know her? A No, sir.  
Q What distict did she live in at that time? A Illinois, she lived up here and he lived down there.  
Q Do you know how old Dora Weir is? A No, sir.  
Q Do you know whether she was born before the war? A I don't know; I know whe was not before the war, she was born since the war.  
Q Is she older or younger than William McClure? She is younger, they were both born since the war; I know then since they were about that high (indicating.)  
Q When did you know Dora's mother? A Dora's mother I seen her, it was af ter the war sometime when I seen McClure; I just could not tell you it was after the war.  
Q Et After you knew Will? A No, Will's mother was dead when he coko there when I knew him; whenever he come there she died then and he come from Flint over there, McClure did.  
Q Where did you know Will's mother? A It was said his mother, of course when I first knowed his mother; when I first knowed his mother; to say just know, of course I just knowed the woman, that Ary; McClure had her and come down with her, of course they had been down to that Foreman settlement.  
Q Well, then you don't know that that was his mother?  
A No, sir, they just said; I never seen neither one of the children sucking.  
Q About what time was that, Jim? A Well, I don't know, sir; I just could not tell you.  
Q Do you know about what time this woman died, the mother?  
A No, sir, they used to come over there going to Fort Smith to attend Court.  
Q Was she dead in 1880? A Yes, sir, she was dead in 1880 because McClure had married another woman and had another woman there in 1880.  
Q I thought maybe they had separated? A No, sir, she was dead in 1880.

Mr. Brown: I would like to have the authenticated roll of 1880 examined to ascertain whether or not the name of Dora Weir appears on it.

Roll Clerk: No, sir, not by the name of Weir.

MR. BROWN: Did Dora Weir ever go by ano other name but Weir?

A When she come down there she went by the name of Pack; she always went by the name of Dora Pack.

1880 Authenticated roll of Cherokee Freedmen examined and name of Dora Pack found thereon, page 565, #1371, flint district, adopted colored, six years of age; enrolled on Cherokee freedman card #342.

Mr. Hastings: The representatives of the Cherokee nation object to the taking of this enrollment because it proves nothing with reference to the applicant.

Commissioner: Objection will be noted and enrollment will be entered.

Mr. Brown: I would like to have a copy of the case of Dora Weir, Cherokee straight card #342, a copy of the testimony filed with this case.



C.F.D.#-38-3

Commissioner: A copy of the testimony taken in the matter of the enrollment of Dora Weir, or Dora Pack, will be made a part of the record in the case, at bar.

---00000000---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this September 13, 1901.

M. D. Green  
M. D.

Commissioner.

of 1840-1841

~~SECRET~~

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FILED  
AUG 19 1964  
COMMISSION TO FIVE TRIBES.

- 3 -

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE, I. T., JULY 16, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of WILLIAM McCLURE, ET AL., as Cherokee freedmen.

It appears that on June 10, 1904, the applicant William McClure, his agent and the attorney for the Cherokee nation were notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on June 28, 1904, and introduce further testimony touching the points mentioned in said letter. There being no appearance on behalf of the applicants on said date, this case was continued until this the 16th day of July, 1904, when the following testimony was introduced on behalf of the Cherokee Nation.

APPEARANCES:

Applicant appears by his agent, Louis T. Brown.  
Cherokee Nation by its attorney, James S. Davenport.

MARTHA SULAGER, being first duly sworn, testified as follows:

By the Commission:

Q What is your name? A Martha Sulager.

Q How old are you? A 38.

Q What is your postoffice address? A Muskogee, I. T.

Q You are a citizen by blood of the Cherokee Nation? A Yes, sir.

Q Do you know the applicant in this case, who has applied here for enrollment as a Cherokee freedman, William McClure? A Yes, sir.

Q Did you ever know Ary Gunter, or Adair, who claimed to have been the slave of a Cherokee citizen? A Yes, sir.

Q When did you first know this Ary Gunter, or Adair? A When I was a very small child.

Q Was she the slave of a Cherokee citizen at the beginning of the war? A No, sir.

Q Was she at one time before the war? A Yes, sir.

Q To whom did she belong? A Liza Adair.

Q Did she belong to Liza Adair at the time the war came up? A No, sir.

Q To whom did she belong at the time the war came up? A She was in Fayetteville, Arkansas, and I was there going to school, and I think she belonged to Tom Gunter; I would not be positive.

Q Was Tom Gunter a citizen of the United States? A Yes, sir, a white man.

Q Did Liza Adair sell the woman, Ary, to this man Gunter before the war? A I would not be positive that she sold her to Tom Gunter, but he took her to Fayetteville, because I was there at school.

Q Do you know what year that was, about? A It was the year before the war broke out.

Q A year before? A Yes, sir, I think so, I don't know just what time.

By Mr. Davenport:

Q Did you ever see her in Fayetteville, Arkansas? A Yes, sir, I was there going to school when the war broke out.

Q She didn't belong to Liza Adair when the war broke out? A No, sir.

Q She wasn't living with Eliza Adair when the war broke out? A She was in the Cherokee nation.

Q Eliza Adair lived in the Cherokee Nation? A Yes, sir, she was a Cherokee.

By Mr. Brown:

Q Do you know to whom this woman belonged at the beginning of the war? A No, I just now said I didn't; I knew she lived in Fayetteville.

Q What was the citizenship of Tom Guster's wife? A She wasn't any citizen at all.

Q Was she a white woman? A Yes, sir.

Q Do you know of your own personal knowledge that Eliza Adair ever sold Ary to anyone? A Yes, sir, I just now told you she did.

Q Were you present at the sale? A I was too little to remember that far back.

Q All you know about her being sold then is hearsay? A Not hearsay, it is all in the family.

Q You were not present at the sale? A I just now told you I didn't know whether I was or not; I might have been.

Q Do you know to whom she belonged at the beginning of the war?

A I said I didn't.

Q Do you know whether the Ary Adair about whom you are testifying is the mother of the applicant, William McClure, or not? A No, sir, I don't know anything about her children.

Q Did she have any children at the time you knew her? A I don't know.

Q About how old was she when you claim that Eliza Adair sold her?

A I couldn't tell you; she was a woman and I was a child.

Q So far as you know, she didn't have any children at that time?

A I don't think she did.

Q Do you know? A No, sir, I don't.

Q Do you know Dora Ware, who is a sister to William McClure, the applicant in this case? A If I do, I don't know her by that name.

ELIZA MARKHAM, being first duly sworn, testified as follows:

By the commission:

Q What is your name? A Eliza Markham.

Q How old are you? A 50.

Q What is your postoffice address? A Tahlequah.

Q You are a citizen by blood of the Cherokee Nation? A Yes, sir.

Q Do you know the applicant, in this case, William McClure? A No, sir, I don't know him.

Q He is a son of one Ary Adair, or Guster, did you ever know her?

Q Yes, sir, I remember her.

By Mr. Davenport:

Q To whom did she belong when you remember? A My mother.

Q What name was your mother's name? A Eliza Adair.

Q Was she living with your mother when the war broke out? A No, sir, she was sold before.

Q Did your mother sell her? A Yes, sir.

Q Do you know to whom? A No, sir, I don't; I was small.

Q She was not with your people when the war broke out? A No, sir.

Q Do you know from general information where she was living? A No, sir, I don't.

Q All you know is your mother sold her before the war broke out sometime? A Yes, sir, but I don't know who to.

By Mr. Brown:

Q About how old were you when the war came up? A About 7.

Q How long prior to the war was this woman sold? A I don't know; I was too small to remember.  
Q You don't know of your own personal knowledge whether she was ever sold or not? A I remember it.  
Q Were you present at the sale? A No, sir, I don't suppose.  
Q You didn't see her sold? A No, sir.  
Q All you remember is what you have been told? A I have heard my mother tell about it.  
Q Do you know of your own personal knowledge that Ary Adair was ever sold? A Yes, sir, she was sold.  
Q Were you present at the sale? A No, sir.  
Q How do you know she was sold? A I wasn't present, of course I take what my mother told me.  
Q About how old were you when the sale was made? A I don't know.  
Q What is your best judgment? A I will not guess.  
Q About how long before the war was it? A I don't know.  
Q What is your best judgment? A I will not give you any guess on that; if I should guess, I would guess I was five or six years old; it is just guess work.  
Q Then that would make it a year or two before the war came up?  
A Yes, sir.  
Q Do you know what the citizenship was of the person to whom you claim Ary was sold? A No, sir.  
Q Do you know whether or not the Ary Adair to whom, or about whom, you are testifying is the mother of this applicant? A No, because I don't know the applicant.  
Q There were several families of Adairs in this country prior to and after the war? A Yes, sir.  
Q And there are now? A Yes, sir.

By Mr. Davenport:

Q Did you ever have but one mother named Eliza Adair? A No, sir.  
Q Did your mother ever own more than the one Ary? A No, just one.

By Mr. Brown:

Q How many slaves did your mother own at the beginning of the war?  
A I don't know.  
Q About how many? A I could tell you; I remember when she sold the last one, a little boy, when we were starting south.  
Q At the beginning of the war how many slaves did your mother own?  
A I don't know.  
Q Will you give me your best judgment? A I don't know that she owned any at the beginning except the little boy.  
Q Do you know the names of all the slaves that your mother owned?  
A I think I knew the given names.  
Q By knowing their names can you give me the number? A I think there was four women, is all I remember, and two boys.  
Q What were the four women's names? A Mary, Lucinda, Alay and Sophia.

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H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this the 6th day of August, 1906.

*H. M. Vance*  
Notary Public.



A. F. M.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment  
of William McClure as a Cherokee Freedman.

--1--

DECISION.

The record herein shows that on April 9, 1901, William McClure appeared before the Commission at Fort Gibson, Indian Territory, and made application for the enrollment, among others, of himself as a Cherokee freedman. As the others included in said application are classified differently from William McClure they will not be embraced in this decision. Further proceedings in the matter of said application were had at Fort Gibson, Indian Territory, September 13, 1901, and at Muskogee, Indian Territory, July 16, 1904. A copy of the testimony taken at Fort Gibson, Indian Territory, April 8, 1901, in the case of Dora Vann, Cherokee freedman 342, is filed herewith, and made a part of the record in this case.

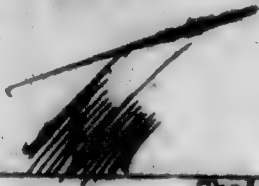
The evidence in this case shows that the applicant, William McClure, was born about the year 1865, and is the child of one Ary McClure, nee Adair, and one Jesse McClure, both deceased.

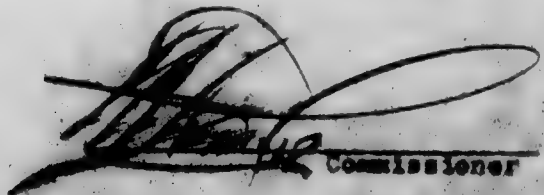
After ample opportunity having been afforded him, said applicant has failed to establish that he possesses any rights to enrollment as a Cherokee freedman, and he cannot be identified on any roll of the Cherokee Nation.

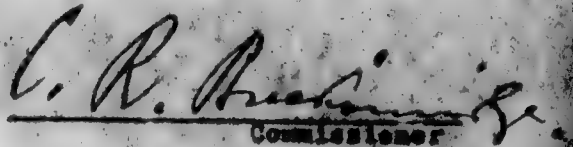
It is, therefore, the opinion of this Commission that, following the rulings of the Department in the cases of Elise

Bryant, et al., (I.T.D. 3642-04), Ed Williams, (I.T.D. 4230-04), William Reeter, (I.T.D. 1466-04), Minnie Duncan, et al., (I.T.D. 1470-04), Samantha Chambers (I.T.D. 3296-04), and Martha Albert, et al., (I.T.D. 4732-04), the application for the enrollment of William McClure as a Cherokee freedman should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1896 (30 Stat., 496), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Chairman

  
Commissioner

  
Commissioner

Dated at Muskogee, Indian Territory  
this FEB 24 1905

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3038

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED  
SEP 18 1901

  
ACTING CHIEF

COMMISSIONERS:  
HENRY L. DAWES,  
TAMM DIXIEY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

XX 4. June 23 Sept 11 1901

Received of the Commission to the Five Civilized Tribes,  
one copy of the testimony in the matter of the application of

William Mc Blue for enrollment as  
Freemen of the Cherokee Nation.

No. 710 38

Louis J. Brown  
Agent for Applicant.

Cher. F.-D-35.

Muskogee, Indian Territory, June 10, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of William McClure for enrollment as a Cherokee Freedman you are advised that before the Commission can render a final decision, in this case, it will be necessary that further testimony be introduced tending to show whether or not Miss Adair, the alleged former owner of the Applicant's mother, was a recognized citizen of the Cherokee Nation at the beginning of the War of the Rebellion.

The applicant has, therefore, this day, been directed to appear before the Commission at its office in Muskogee, Indian Territory, at nine o'clock A. M., on Tuesday, June 28, 1904, and introduce testimony as above indicated. The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire.

Respectfully,

Chairman.



Char. F.-D-38.

Muskogee, Indian Territory, June 10, 1904.

Louis T. Brown,

Agent for William McClure,

Vinita, Indian Territory.

Dear Sir:

In the matter of the application of William McClure for enrollment as a Cherokee Freedman you are advised that before the Commission can render a final decision, in this case, it will be necessary that further testimony be introduced tending to show as to whether or not Eliza Adair, the alleged former owner of the applicant's mother, was a recognized citizen of the Cherokee Nation before the War of the Rebellion.

The applicant has, therefore, this day, been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Tuesday, June 14, 1904, and introduce testimony as above indicated.

Respectfully,

Chairman.

Char. F. 3-3-33.

Madison, Indian Territory, June 22, 1904.

William McClure,

Prisoner, Indian Territory.

Dear Sir:

In the matter of your application for enrollment as a Cherokee Freedman you are advised that, before the Commission can render a final decision in your case, it will be necessary that further testimony be introduced tending to show that Ellen Adair, the alleged former owner of your mother, was a recognized citizen of the Cherokee Nation before the War of the Rebellion.

You are, therefore, hereby directed to appear before the Commission at its offices in Madison, Indian Territory, at nine o'clock A. M., on Tuesday, June 22, 1904, and introduce testimony as above indicated.

In this connection you are advised that the Commission desires testimony other than that of yourself.

Respectfully,

Chas. F.

Cherokee Freedmen

D-32.

Muskogee, Indian Territory, June 30, 1904.

William McIlwain,

Muskogee, Indian Territory.

Dear Sir:

In the matter of your application for enrollment as a Cherokee freedman, you are again advised that before the Commission can render a final decision in your case it will be necessary that further testimony be introduced tending to show that Eliza Atair, the alleged former owner of your mother, was a recognized citizen of the Cherokee Nation at the beginning of the war of the rebellion.

You are therefore hereby directed to appear before the Commission at its offices in Muskogee, at nine o'clock A. M., on Saturday, July 16, 1904, and introduce testimony as above indicated.

In this connection it is specially desired that you introduce testimony other than that of yourself.

Respectfully,

Commissioner in Charge.

Cherokee Freedman

D-38,

Muskogee, Indian Territory, June 30, 1904.

V. V. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of William McClure for enrollment as a Cherokee freedman, which case was set for hearing at Muskogee on June 28, you are advised that the applicant, having failed to appear on that date, the case has again been set for hearing at Muskogee, at nine o'clock A. M., on Saturday, July 16, 1904, and the applicant has this day been directed to appear on that date and introduce testimony as heretofore requested.

The Cherokee Nation will be permitted to appear on that day and introduce such testimony as it may desire in rebuttal of that introduced by the applicant.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen

D-31.

Muskogee, Indian Territory, June 30, 1904.

Louis T. Brown,

Agent for William McClure,

Vinita, Indian Territory.

Dear Sir:

In the matter of the application of William McClure for enrollment as a Cherokee freedman, you are again advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced tending to show whether or not Eliza Adair, the alleged former owner of the applicant's mother, was a recognized citizen of the Cherokee Nation at the beginning of the war of the rebellion.

The applicant has therefore this day been directed to appear before the Commission at its offices in Muskogee, at nine o'clock A. M. on Saturday, July 16, 1904, and introduce testimony as above indicated.

Respectfully,

Commissioner in Charge.



COPY.

Cherokee Freedman  
D-36.

Muskogee, Indian Territory, February 24, 1905.

William McClure,

Foreman, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 24, 1905, rejecting the application for your enrollment as a Cherokee freedman. There has heretofore been furnished your attorney, Louis T. Brown, Tahlequah, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. 1-41.

Register.

SIGNED: *Tams Bixby.*  
Chairman.

COPY.

Cherokee Freedman  
D-38.

Muskogee, Indian Territory, February 24, 1908.

Louis T. Brown,

Attorney for William McClure,

Tablequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 24, 1908, rejecting the application for the enrollment of William McClure as a Cherokee freedman. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. L-42,

Register.

(SIGNED)

*Tams Bixby.*  
Chairman.

COPY.

Cherokee Freedman  
D-38.

Waskagee, Indian Territory, February 24, 1905.

Bell, Hastings & Davenport,  
Attorneys for the Cherokee Nation,  
Waskagee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 24, 1905, rejecting the application for the enrollment of William McClure as a Cherokee freedman.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED). *Tams Bixby.*  
Chairman.

Encl. L-43.

COPY.

Cherokee Freedman  
D-38.

Muskogee, Indian Territory, February 24, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of William McClure as a Cherokee freedman, including the Commission's decision, dated February 24, 1903, rejecting said application.

Respectfully,

(SIGNED).

*Tams Bixby.*

Commissioner in Charge.

Encl. L-44.

Through the  
Commissioner of Indian Affairs.

COPY.

REFER IN REPLY TO THE FOLLOWING:

Land  
16689-1905.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON. March 10, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated February 24, 1905, transmitting the record of the application for enrollment as a Cherokee Freedman by William M. McClure.

February 24, 1905, the Commission decided adversely to the applicant.

The record shows that the applicant was born about 1865, and is the child of one Ary McClure born Adair and one Jesse McClure, both deceased. It is shown that the applicant possesses any rights to enrollment as a Cherokee Freedman.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

H.M.M.



D. C. 47358-1905.  
I.T.D. 2476-1905.  
LRS

V.C.F.  
ILB

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

October 9, 1905.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

February 24, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application of William McClure for his enrollment as a Cherokee freedman.

Reporting in the matter March 10, 1905, the Indian Office recommended that the Commission's decision, adverse to the applicant, be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation and the Commission's decision is hereby affirmed.

Respectfully,

1 inclosure.

(Signed) E. A. Hitchcock,  
Secretary.

Cherokee Freedmen

D-38.

COPY

Muskogee, Indian Territory, October 16, 1905.

William McClure,

Foreman, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated February 24, 1905, rejecting your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on October 9, 1905.

Respectfully,

SIGNED

*James B. Barry*

Commissioner.

LS

Cherokee Freedmen

COPY.

D-38.

Muskogee, Indian Territory, October 16, 1905.

Louis T. Brown,

Attorney for William McClure.

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated February 24, 1905, rejecting the application for the enrollment of William McClure as a Cherokee freedman, was affirmed by the Secretary of the Interior on October 9, 1905.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

ENCLOSURE

Incl. 3-245

*Tams Bixby*  
Commissioner.

Cherokee Freedmen

COPY.

D-38.

Muskogee, Indian Territory, October 16, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated February 24, 1905, rejecting the application of William McClure for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on October 9, 1905.

There is inclosed, herewith, for your information a copy of Departmental letter referred to.

Respectfully,

SIGNED

*Tams Blaby.*

Commissioner.

Incl. S-246

COPY.

Cherokee Freedman D 38

Muskogee, Indian Territory, October 17, 1905

The Honorable

The Secretary of the Interior

Sir:

This office is in receipt of Departmental letter of October 9, 1905 (I.T.D. 2476-1905), affirming the decision of the Commission to the Five Civilized Tribes rejecting the application for the enrollment of William McClure, Cherokee Freedman D 38, as a Cherokee freedman. It is stated in Departmental letter that a copy of the Indian Office's letter of March 10, 1905, reporting in the matter is inclosed.

You are respectfully advised that the copy of the Indian Office's letter referred to was not inclosed, and I request that this office be furnished with a copy thereof in order that its files be complete.

Respectfully,

SIGNED.

*Tame Bixby.*

Commissioner

L-42



Cherokee Freedmen  
R 456

Muskogee, Indian Territory, August 30, 1906

Starr and Patten,

Attorneys for William McClure.

Vinita, Indian Territory.

Gentlemen:

This office is in receipt, on June 12, 1906, of a motion made by you for a rehearing in the Cherokee freedmen enrollment case of William McClure.

Said motion will receive the proper consideration of this office, and be transmitted to the Department for action thereon, at the earliest practicable date, of which you will be promptly advised.

Respectfully,

L M B

Acting Commissioner

Muskogee, Indian Territory, January 11, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith a motion filed June 13, 1906, by Starr & Patten of Vinita, Indian Territory, for a re-hearing in the Cherokee case of William McClure.

The reply of the attorney for the Cherokee Nation, filed July 5, 1906, is also enclosed.

There was filed, July 7, 1906, by the attorneys for the applicant, affidavit of Abe Davis, which the attorneys request be filed in support of their motion.

The decision of the Commission to the Five Civilized Tribes dated February 24, 1905, rejecting the application for the enrollment of William McClure, was affirmed by the Department on October 9, 1905 (I.T.D.2476-1905).

The applicant was rejected by the Commission for the reason that, after ample opportunity had been afforded him, he had failed to show that he was entitled to Cherokee Freedman Citizenship.

There are filed, in support of the original motion, affidavits by Henry Starr and John Burgess, who merely

state that they knew the mother of this applicant and that the applicant was born in the Cherokee Nation in March, 1886. Both of said affiants give their postoffice address as Fort Gibson, Indian Territory, as also does the affiant, Abe Davis. With the exception of the identification of the different affiants in their affidavits, and interlineations in the affidavit of Abe Davis, they appear to be the original and carbon copies of a form of affidavit. No showing whatever is made that, with due diligence, the evidence now sought to be introduced could not have been secured when the case was heard before the Commission, or that this evidence is newly discovered.

The present case comes clearly under the ruling of the Department of September 26, 1906 (I.T.D. 16454, 16068-1906), in the Cherokee Freedman case of Jennie Martin et al.

In view of the long time that elapsed between the date of the original application of William McClure for enrollment, and the Commission's decision, this office would not feel warranted in recommending that the applicant be given a further hearing unless some showing was made as to why the evidence he now seeks to introduce could not have been secured between the date of his application and the

3-

Commissioner's decision, and it certainly cannot so recommend  
of the showing now made.

Messrs. Starr & Patten represent the majority of  
all pending applications for enrollment as Cherokee Freed-  
men, and under the Act of April 26, 1906, they filed a  
great many motions to re-open and re-consider Cherokee  
Freedmen cases. They have, from time to time, supplemented  
their motions filed within the time limited by law, by ad-  
ditional motions and affidavits which they have requested  
to be filed in support of their motions to re-open. On  
December 21, 1906, Mr. J. C. Starr advised the Commissioner  
that his firm had filed all the papers they desire to file  
in support of their motions.

For the reasons herein stated it is respectfully  
recommended that the motion herewith enclosed be denied.

Respectfully,

Commissioner.

Through the

Commissioner of Indian Affairs.

Enc.L-1  
J.O.R.-L.

LAND  
16689-1906  
80971-1906  
4754-1907

---

-Copy-

January 26, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith report of Commissioner Bixby, dated January 11, 1907, enclosing a motion filed June 13, 1906, by Starr & Patten, attorneys at law, Vinita, Indian Territory, for a rehearing in the Cherokee freedman case of William McClure. There is also enclosed the reply of the attorney for the Cherokee Nation, filed July 5, 1906.

There was filed on July 7, 1906, by the attorneys for applicants, affidavit of Abe Davis, transmitted herewith, which the attorneys request be considered in support of their motion.

The record shows that the decision of the Commission to the Five Civilized Tribes, dated February 24, 1905, rejecting the application for the enrollment of William McClure, was affirmed by the Department on October 9, 1905 (I.T.D. 2476-1905).

There are filed in support of the original motion affidavits by Henry Starr and John Burgess, who allege that they knew the mother of this applicant and that the applicant was born in the Cherokee Nation in March, 1866.



Commissioner Bixby invites attention to the fact that with the exception of the identification of the different affiants in their affidavits, and interlineations in the affidavit of Abe Davis, they appear to be the original and carbon copies of the form of affidavit. No showing whatever is made that, with due diligence, the evidence now sought to be introduced could not have been secured when the case was heard before the Commission, or that this evidence is newly discovered.

Commissioner Bixby reports that the present case comes clearly under the ruling of the Department of September 26, 1906 (I.T.D. 16464, 16068-1906), in the Cherokee freedmen case of Jennie Martin, et al.

In view of the long time that elapsed between the date of the original application of William McClure for enrollment, and the decision of the Department in this case, Commissioner Bixby says that he does not feel warranted in recommending that the applicant be given a further hearing unless some showing is made as to why the evidence he now seeks to introduce could not have been secured between the date of his application and the Department's decision. He therefore recommends that the motion herewith enclosed be denied.

The Office is of the opinion that the motion for rehearing in the case of William McClure in the matter of his application for enrollment as a Cherokee freedman, is without merit; that at the original hearing the applicant, after ample opportunity having been

afforded him, failed to establish the fact that he possessed any rights to enrollment as a Cherokee freedman. The affidavits in support of the motion for rehearing are similar in form. It is not shown that the testimony of these affiants could not have been produced at the former hearing in this case by the exercise of due diligence.

The Office concurs in the recommendation of Commissioner Bixby that the motion for rehearing be denied.

The record in the case is enclosed.

Very respectfully,

Acting Commissioner.

or  
EPM-EH

-Copy-

JF Jr

DEPARTMENT OF THE INTERIOR, LLB  
WASHINGTON.

I.T.D.1206-1907.

February 6, 1907.

I R S

Commissioner to the Five Civilized Tribes?  
Muskogee, Indian Territory.

Sir:

On January 26, 1907 (Land 4754), the Indian Office transmitted your report dated January 11, 1907, regarding a motion for rehearing filed in the matter of the application of William McClure for enrollment as a Cherokee freedman.

You recommended that for the reasons stated in your report the motion should be denied.

The Indian Office concurs in your recommendation. A copy of its letter is inclosed.

It appears that this application was made on April 9, 1901, the decision of the Commission on February 24, 1906, and said decision affirmed by the Department on October 9, 1906, thus giving ample time for securing and presenting all necessary evidence by the exercise of ordinary diligence.

It further appears from the record that evidence was presented tending to show that Ary Adair, the mother of this applicant, had been sold by Eliza Adair, a Cherokee citizen, prior to the breaking out of the war, and it is not shown that this sale

was made to a Cherokee citizen. The affidavits in support of this motion set forth no new evidence to cover this point, and it is not considered that the evidence offered therein could affect the decision heretofore rendered.

The motion is accordingly denied.

The papers in the case have been sent to the Indian Office for its filed.

Respectfully,

Through the Commissioner  
of Indian Affairs.

Thos. Ryan  
First Assistant Secretary.

1 inc. and 6 to Ind. Of.

LAND  
16689-1906  
80971-1906  
4754-1907

-Copy-

January 26, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

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Commissioner Bixby invites attention to the fact that with the exception of the identification of the different affiants in their affidavits, and interlineations in the affidavit of Abe Davis, they appear to be the original and carbon copies of the form of affidavit. No showing whatever is made that, with due diligence, the evidence now sought to be introduced could not have been secured when the case was heard before the Commission, or that this evidence is newly discovered.

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afforded him, failed to establish the fact that he possessed any rights to enrollment as a Cherokee freedman. The affidavits in support of the motion for rehearing are similar in form. It is not shown that the testimony of these affiants could not have been produced at the former hearing in this case by the exercise of due diligence.

The Office concurs in the recommendation of Commissioner Bixby that the motion for rehearing be denied.

The record in the case is enclosed.

Very respectfully,

Acting Commissioner.

EFM-KH



Cherokee F.  
R 455

COPY

Muskogee, Indian Territory, March 4, 1907.

William McClure,

Fortman, Indian territory.

Dear Sir:

You are hereby advised that a motion, filed June 13, 1906, by your attorneys, Starr & Patten, Vinita, Indian Territory, for a rehearing of your Cherokee freedman enrollment case, was denied by the Secretary of the Interior, February 6, 1907.

Respectfully,

SIGNED *Tams B. B.*  
Commissioner.

JMH

Cherokee P.  
R 455

COPY

Muskogee, Indian Territory, March 4, 1907.

Starr & Patten,

Attorney for William McClure,  
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that a motion, filed by you June 13, 1906, for a rehearing of the Cherokee freedman case of William McClure, was denied by the Secretary of the Interior, February 6, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED *Tams Bixby.*

Commissioner.

Encl. H-18  
JMH

Cherokee F.  
R 455

COPY

Muskogee, Indian Territory, March 4, 1907.

Louis T. Brown,  
Agent for William McClure,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that a motion, filed June 13, 1906, for a rehearing of the Cherokee freedman case of William McClure, was denied by the Secretary of the Interior, February 6, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. H-19  
JMH

SIGNED *Tams Bixby*  
Commiss on r.



Received on October  
3, 1906, testimony  
taken in the William  
McClure, Cherokee Freedman  
enrollment case, the  
same being testimony  
taken on July 16, 1904.

Stan Patton  
Atty for Applicant

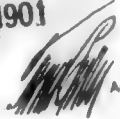
*F. W. 1901*

RECEIVED  
CHEROKEE  
BUREAU

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

**FILED**

APR 9 1901



ACTING CHAIRMAN.

## MEMORANDUM OF APPLICATION.

## CHEROKEE FREEDMEN

APR 8 1901

Date

Post Office

District

Foreman

Seq:

1. Name William Mc Clure

Age

35

Owner's name

Citizenship

Year

Page

No.

District

Parents:

Father

Citizenship

Mother

Citizenship

2. Name of wife

Age

Owner's name

Citizenship

Year

Page

No.

District

Parents:

Father

Citizenship

Mother

Citizenship

Names of Children:

|     | Year | Page | No. | Dist. |
|-----|------|------|-----|-------|
| 3.  |      |      |     |       |
| 4.  |      |      |     |       |
| 5.  |      |      |     |       |
| 6.  |      |      |     |       |
| 7.  |      |      |     |       |
| 8.  |      |      |     |       |
| 9.  |      |      |     |       |
| 10. |      |      |     |       |
| 11. |      |      |     |       |
| 12. |      |      |     |       |

Application made by

No 11

Stenographer

Van Weese alias

# **NOTICE.**

## **Cherokee - Freedmen - Enrollment.**

The Commission to the Five Civilized Tribes will continue in session at

### **MUSKOGEE, IND. TER.,**

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

William McClure,

Foreman, Indian Territory

Cherokee F-D-38

Register.

Copy to Louis T. Brown, Agent,

Vinita, I.T.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Cher. Fr. R. 456

Trans. C. F. D. 43

Cher. Fr. R. 456



(COPY)

Sally Mayfield

Office Commission on Citizenship

Tahlequah C.N. May 20th 1887.

| ROCKET | No | Family | Names          | Age | Sex    | Attorney      |
|--------|----|--------|----------------|-----|--------|---------------|
|        | 1  |        | Sally Mayfield | 80  | Female | Hallview Tex. |

J. G. Harnage.

188

Application for  
Cherokee Citizenship.

Census Rolls 1838

Vs.

Ancestor,  
Sally Mayfield.

Cherokee Nation

Filed May 20th 1887.

Now on this the 21st day of May 1887 comes the above case for final hearing, and having made application pursuant to the provisions of an act of the National Council, approved December 8th 1886 and all the evidence being duly considered and found to be sufficient and satisfactory to the Commission, it is adjudged and determined by the Commission that Sally Mayfield is a Cherokee by blood and that she is hereby re-admitted to all the rights, privileges and immunities of Cherokee Citizens by blood, And a certificate of said decision of the Commission and of re-admission was made and furnished said parties accordingly.

J. T. Adair, Chairman, Commission  
John E. Gunter, Commissioner  
D. W. Lipe, Commissioner

Henry Biffert, Clerk Commission.  
Executive Office Cherokee nation  
Tahlequah I. T.

I, B. W. Alberty, assistant Executive secretary of the Cherokee Nation do hereby certify that the above is a true copy taken from the record of the Citizenship Commission of the Cherokee Nation now filed in this Office and in my custody.

Given under my hand and the seal of the Cherokee Nation,  
this 6th day of September 1901

(S E A L)

B. W. Alberty, Asst. Ex. Sec. C.N.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

SEP 11 1901

Handwritten signature or scribble at the top of the page.

1001 MAY 10 1901

TO THE SECRETARY OF THE INTERIOR  
WASHINGTON, D. C.

RE: [Illegible text]

[Illegible body text]

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED  
APR 11 1901

Handwritten signature and stamp at the bottom right.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Fort Gibson, I.T., April 10, 1901.

In the matter of the application of Hannah West for enrollment as a Cherokee Freedman.

Hannah West, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Hannah West.

Q How old are you? A About 67.

Q What is your post office address? A Gibson.

Q What district do you live in? A Illinois.

Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.

Q Did you ever apply to any other nation or tribe? A No, sir.

Q Have you been recognized by the Cherokee authorities as a Freedman? A Yes, sir.

Q Is your name on the roll of 1880? A I don't know whether it is or not.

Q Who do you want to enroll besides yourself? A Just myself.

Q Are you married? A No, sir, my husband is dead.

Q Were you a slave? A Yes, sir.

Q What was your owners name? A Mayfield, old Miss Sallie Mayfield.

Q What was your name before it was West? A Mayfield; Pack.

Q Was Pack the name of your first husband? A Yes, sir.

Q You afterwards married a West? A I married Pack first.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.

The 1896 census roll of Cherokee Freedmen examined, and the applicant not identified thereon.

Q Do you know why your name is not on the roll of 1880; whether it is on the 1880 roll or not? A I don't know, sir, if Silas Pack's name in on there my name is on.

Q Where were you at the beginning of the war between the United States and the Confederacy? A Texas; I went south.

Q During the war? A Yes, sir, with the Indians.

Q When did you come back? A Came back in 1866.

Q Why isn't your name on the roll of 1880? A I can't tell you.

Q Did you ever draw any money? A I drew on the Wallace roll.

Q You never drew any since? A No, sir.

Q You didn't draw on the Kerns-Glifton roll? A No, sir, I registered, but I couldn't get the money.

Q They owe it to you yet, do they? A Yes, sir, they owe it to me yet.

By W.W.Hastings, attorney for Cherokee Nation: Where were you living when the war broke out? A I was outside, in the south, Texas.

Q You went to Texas before the war? A Yes, sir.

Q About how many years before the war? A I don't know, sir, I went there with the Indians and I came back with them.

Q What time did you go down there? A I can't tell you.

Q Was it before the war? A Yes, sir, before the war.

Q About how many years before the war? A I can't tell you that because I can't recollect.

Q As much as ten years? A No, sir.

Q Was it just before the war? A Yes, sir, it was before the battle.

Q Who did you come back with after the war? A I came back here with Sarah Bell and Will Harnage.

Q This fellow Will Harnage is alive, isn't he? A Yes, sir.

Q When did you come back? A Came back in 1866.

Q What time in 1866? A In the fall.

Q Where did you come to? A I came down in the bottom near Mrs. Bell's home.

Q Right this side of Fort Smith? A Yes, sir.

H.V. - 2.

Q Been here ever since? A Yes, sir.  
Commissioner Needles: Where were you born? A I don't know, sir, I was born a slave; they bought me when I was a little child and they raised me.  
Q Who did? A The Mayfields.  
Q Where? A Up here in Flint.  
Q Have you got any witnesses knows anything about you? A I got witnesses know when I came.  
Mr. Hastings: Did Aunt Sallie Mayfield own you when you were a slave? A Her daughter owned me, right there with her.  
Commissioner Needles: You see anybody here knew you when you came back? A JOHN MELTON.

John Melton, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A John Melton.  
Q How old are you? A 64.  
Q What is your post office? A Benge.  
Q Are you a Cherokee Freedman? A Yes, sir.  
Q Do you know Hannah West here? A Yes, sir.  
Q Do you know where she was at the close of the war between the United States and the Confederacy? A No, sir.  
Q Do you know whether she was a residence of the Cherokee Nation in 1866 or not? A I seen her in 1866.  
Q Where? A Down here at Mr. Campbell's, on this side the river from Fort Smith.  
Q Have you known her ever since then? A Yes, sir.  
Q Did you know her before that? A No, sir.  
Q You got acquainted with her then in 1866? A Yes, sir.  
Mr. Hastings: What time in 1866? A In Christmas I think.  
Q Are you positive about this point, that it was 1866? A It was right either the last days of December or the first days of January.  
Q Of what? A January, 1867; the last days of December of 1866 or January, 1867.  
Commissioner Needles: What makes you recollect it so well? A I have a good memory about it, and I was glad to see my people coming home and I noticed them coming in and being surprised that others not coming.  
Q You know that it was about that time? A Yes, sir.  
Mr. Hastings: Is she any kin to you? A No, sir.  
Q You didn't know her before the war? A No, sir.  
Q Was she a stranger to you then? A Yes, sir.  
Q You were glad to see her, a stranger, coming back? A Yes, sir, colored people coming back belonging to the nation; I liked to see them safe and enjoying the benefit of the Nation.

\*\*\*\*\*

William Harnage, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A William Harnage.  
Q What is your post office? A Tahlequah.  
Q Are you a Cherokee citizen? A Yes, sir.  
Q Do you know Hannah West, or Hannah Pack? A Yes, sir.  
Q Do you know to whom she belonged? A Yes, sir.  
Q Who? A Mrs. Mayfield, my grandmother.  
Q Do you know whether Hannah came back from Texas, what time she came back? A She came back here in October, I think, 1866; about the middle of October.  
Q She was a slave, was she? A Yes, sir.  
Mr. Hastings: Where did your grandmother live when the war broke out? A She lived in Texas.



H.W.- 3.

Q How long had she lived there? A Lived there ever since I could remember; I don't know what time they went.

Q Has she been living there a number of years? A Yes, sir.

Q How old are you? A 55 years old.

Q You were born in 1848? A In 1847.

Commissioner Needles: What was your grandmother's name? A Sallie Mayfield.

Q Was she a Cherokee citizen? A Yes, sir.

Q Did she come back to the Cherokee Nation? A Yes, sir.

Q Do you know where Hannah Pack was born? A No, sir.

Q Was she a slave of your grandmother? A Yes, sir.

Q And your grandmother was a recognized citizen of the Cherokee Nation? A She was when she died; she wasn't when she was living in Texas I don't think.

Q Was she readmitted when she came back? A I think she was.

Q You know whether Hannah was born in Texas or the Nation? A No, sir.

Q Did your grandmother remove from the Nation to Texas? A Yes, sir.

Mr. Hastings: About what time did she go to Texas? A I can't remember; she went there before my father did, and I just can remember when he went there.

Q When did your father go there? A I must have been 8 or 10 years old, for I recollect some incidents that happened on the way.

Q Then you went there in '54 or '55? A Somewhere along then.

Q And she went before that? A Yes, sir.

Q Was she a citizen of the state of Texas when the war broke out?

A Yes, sir.

\*\*\*\*\*

Commissioner Needles: The name of Hannah West is not found upon the authenticated roll of 1880, or the census roll of 1896. She avers that she was a slave of Sallie Mayfield. From the facts set forth in the testimony, final judgment as to the enrollment of said Hannah West will be suspended, and her name will be placed upon a doubtful card.

\*\*\*\*\*

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

*Bruce G. Jones*

Sworn to and subscribed before me this the 11th of April, 1901.

*[Signature]*

Commissioner.



peremptory set our hands this.....  
 SEP 4 1891  
 Agents, representatives of the Cherokee Nation have

In testimony whereof, the undersigned representatives of the Freedmen's Bureau have hereunto set their hands and the seal of said Bureau, at Washington, this 15th day of July, 1863.

**Free Frequency.**

named for the taking of testimony both for and against applicants for admission to the bar, during the usual business hours of said Commission on the respective days above mentioned territory, on the following dates, to-wit: SEP 4 1911

A. D. 1901 during the usual business hours of said Court, to-wit: **SEP 4**  
 Christian I. Griffith, on the following dates, to-wit:

Feb 4 1942

Indian Territory, on the following dates, to-wit: **SEP**

Commissioner to the Five Civilized Tribes in the town of  
States Commission to the Five Civilized Tribes at the office of the United  
ing to disprove your right to be enrolled as a Cherokee Freedman' at the office of the United  
Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tend-  
Commissioner to the Five Civilized Tribes will present before the United States

Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tend-

Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation 1922

You are hereby notified that the Cherokee Nation will present before the United States

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CASE No. F. D. 73

for enrollment as a Cherokee Freedman:

IN THE MATTER OF The application of James C. Cox

NOTICE

FD 43

*[Handwritten scribble]*

INDIAN TERRITORY,  
CHEROKEE NATION.

I hereby certify that I served the with-  
in notice on

by delivering a true copy thereof on the  
day of A. D. 1901.

Given under my hand this  
day A. D. 1901.

Marshal for Cherokee Nation.

I, the undersigned attorney for the  
within named applicant hereby accept  
service of the within notice on this the  
day of , 1901.

Attorney for applicant.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a  
true copy of the within notice to

*Hannah West*  
on the *11th* day of *Sept* A.D. 1901

*Edmund Starr*  
Subscribed and sworn to before me  
this *11th* day of *Sept* A.D. 1901.

*Edmund Starr*  
Notary Public

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
FILED  
SEP 4 1901

*[Signature]*  
ACTING CHAIRMAN

# NOTICE!

*IN THE MATTER OF* The application of **Hannah Vest**  
for enrollment as a Cherokee Freedman:

Case No. F. D. **43**

To **Hannah Vest, Port Gibson I. T.**

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of **Port Gibson** Indian Territory, on the following dates, to-wit: **September 4th** A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this **27th** day of **August**, 1901.

*R. B. Bull*

*W. H. Postling*

*J. J. Deschamps*

*Attorneys for the Cherokee Nation.*

COMMISSION TO INQUIRE INTO THE CAUSES OF THE DESTRUCTION OF THE INDIAN TRIBES  
DEPARTMENT OF THE INTERIOR

SEP 11 1891  
FILED

Some to applicant: you went to ask him any  
questions? No, sir, I don't want to ask any questions  
only he has been here. I have not any other witnesses. I expect  
but will be here.

Mr. Resistant: I am now, I want to say to you (the appli-  
cant) that the Wyandotte Nation will introduce some testimony  
in September 11th.

James A. Jones, being duly sworn, says that as a special member to  
the Commission to the Five Civilized Tribes he correctly recorded the  
proceedings and testimony in the above case, and the foregoing is a  
true and complete transcript of his stenographic notes thereof.

James A. Jones

Sworn to and subscribed before me this 5th of September, 1891.

*J. R. Friedman*

COMMISSIONER.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Fort Gibson, I.T., September 3, 1901.

In the matter of the application of Hannah West for enrollment  
as a Cherokee Freedman.

Supplemental testimony on behalf of the applicant.

Appearances:

Applicant present in person;

W. W. Hastings, of counsel for Cherokee Nation.

EMER HARNAGE, being duly sworn and examined by Commissioner  
Needles, testified as follows:

Q What is your name? A Zeke Harnage.

Q How old are you? A 59 years old.

Q What is your postoffice? A Poyil.

Q Cherokee Nation? A Yes, sir.

Q Are you a Cherokee citizen? A Yes, sir.

Q By blood? A Yes, sir.

Q Do you know Hannah West? A Yes, sir, I know her; I never knew  
her by the name of West, I just know her by the name of Hannah when  
I knew her.

Q How long have you known her? A Ever since I was a kid.

Q Was she a slave? A Yes, sir.

Q Who did she belong to? A Old Jess Mayfield.

Q Was he a Cherokee citizen? A No, sir, he was a citizen of the  
State of Texas.

Q Was he a citizen of the State of Texas when you knew him? A Yes,  
sir, he was a citizen of the State of Texas when I knew him.

Q Did he ever become a citizen of the Cherokee Nation? A He  
might possibly have been a citizen of the Cherokee Nation once in  
time.

Q Well, was he living in the State of Texas when you first knew  
Hannah West here? A Yes, sir.

Q Was she his slave then? A Yes, sir.

Q Do you know when Hannah West came to the Cherokee Nation? A She  
came to the Cherokee Nation on the, came here the 16th of December,  
1866.

Q Has she lived here continuously since that time? A I have not  
know anything about her whereabouts only about the general fact  
she came.

Q How did she happen to come to the Cherokee Nation if her owner  
lived in Texas? A Well I don't know how she happened to come, I  
was coming, my and my sister and my brother, and she came along with  
us.

Q But she was Mayfield's slave, was she? A Yes, sir.

Q And Mayfield was a citizen of Texas? A Yes, sir.

Q Do you know whether Mayfield ever lived in the Cherokee Nation?

A I think he did.

Q Do you know whether he ever returned to the Cherokee Nation?

A No, sir, he never did return to the Cherokee Nation only on a  
visit.

Mr. Hastings: She said she belonged to Sallie Mayfield; was that  
Jess Mayfield's wife? A Yes, sir.

Q She was living down there at the same time with her husband when  
you knew this woman first? A Yes, sir.

Q About when did you first know them down there? A Well, I can't  
possibly answer that question.

Q About how long before the war; how old did you say you were?

A I am 59; I was a chunk of a boy when father moved there.

Q Well, ever since you were 6 or 8 years old? A Yes, sir, about  
8 years old, 7 or 8.



-2-  
Commissioner to Applicant: You want to ask him any questions?

Applicant: No, sir, I don't want to ask any questions only he knows what he fetched me up here.

Commissioner: Have you any other witnesses? A Nobody but Will Hattage.

\*\*\*\*\*

Mr. Hastings: Right now, I want to say to you (the applicant) that the Cherokee Nation will introduce some testimony on September 11th.

\*\*\*-\*\*\*\*\*

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this 6th of September, 1901.

C. R. Bredford

Commissioner.

22  
SEP 11 1947  
Q Tell me, I don't know where she lived after 1947? A Well, in 1947  
she lived in the Cherokee District, Cherokee Nation, and the  
district was about here arising out of the treaty of 1835,  
they moved across the line to Arkansas for a little while and then  
went back to Texas.

4  
78  
7  
20  
Q And they came back after the war? A They went to Waco County,  
Texas, and lived there from that time till '57, and then I went to  
Texas, that is, members of our family, Kin Folks, and I stayed down  
there and knew them all along from that day till she came here and  
stayed a while and died, and lived there from '47 continuously till  
about '57 or '6.

Q Have a home there in Texas? A Yes, they had a home.

Q Recognized him as a Texas? A Yes, a white person, and  
looked like 75 or 76 Negroes.

Q Husband and family lived there? A Yes, the oldest one there  
and son and three or four daughters.  
commissioners. They returned to the Cherokee Nation in '57 or '58.

A Yes, he was here in '57 or '58.

Q Were they registered to Cherokee citizenship? A Along some-  
where after 1880.

Q Do you know he had white? A No, sir, I didn't know no Negroes.  
there was too many to know.

\*\*\*\*\*

Bruce C. Jones, being duly sworn, says that as stenographer to  
the Commission to the War Civil War Index he correctly received the  
proceedings and testimony in the above case, and the foregoing is a  
true and correct translation of the same as given to him by the witness.

*Bruce C. Jones*

Subscribed and sworn to before me this 11th day of September, 1947.

Notary Public, 1947.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Fort Gibson, I.T., September 4, 1901.

In the matter of the application of Hannah West et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of Cherokee Nation.

Appearances:

Applicant not present:

W. W. Hastings, of counsel for Cherokee Nation.

Commissioner: Proof of notice to applicant filed, notifying her that testimony will be taken September 4, 1901. Applicant fails to appear either by herself or attorney.

MARK BEAN, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A Mark Bean.

Q What is your age? A 58.

Q Your postoffice? A Evansville, Arkansas.

Q You a Cherokee by blood? A Yes, sir.

Q Do you know Sallie Mayfield, who was formerly a citizen of the Cherokee Nation? A Yes, sir.

Q Where did she live when you knew her first? A She lived in Flint District, Cherokee Nation.

Q What was her husband's name? A Jesse Mayfield.

Q Do you know whether or not she owned a colored woman by the name of Hannah West? A No, I don't know that.

Q Well, was Sallie Mayfield living in Flint District when the war came up? A No, sir.

Q Where was she? A She was living in Russ County, Texas.

Q How long had she been gone from this country when the war broke out? A She left Flint district in about 1847.

Q Where did she go from Flint district; did she go direct to Texas? A Direct to Texas.

Q She never returned here then till after the war? A No, sir, excepting on visits.

Q Have a home in Texas? A Home in Texas.

A Staying in Texas? A Staying in Texas.

Commissioner: Did she ever remove to the Cherokee Nation afterwards? A Yes, sir.

Q When? A She moved back in about '68 or 9.

Q Was she readmitted to Cherokee citizenship then? A I think she was.

Q Do you know a slave of hers named Hannah? A I don't recollect.

Q You don't know then whether Hannah West was a slave of Sallie Mayfield or not? A No, sir.

Q You don't know anything about the return of Hannah West then?

A No, sir.

L. B. BELL, being duly sworn by Commissioner Needles, testified as follows:

Q What is your name? A L. B. Bell.

Q What is your age? A 82, nearly 83.

Q What is your postoffice? A Vinita.

Q Do you know Sallie Mayfield, who was once a citizen of the Cherokee Nation before the war? A Yes, sir.

Q When did you know her? A Well, I guess about as far back as I can recollect, known her nearly continuously from the time, say '45 or '46, up to when she died; there was a little skip in my seeing her from 1847 till '52.

Q Well, do you know where she lived after 1847? A Well in 1847 she lived up there in Flint District, Cherokee Nation, and the disturbances brought about here arising out of the treaty of 1835, they moved across the line to Arkansas for a little while and then went back to Texas.

Q Did they come here after the war? A They went to Ross County, Texas, and lived there from that time till '53, and then I went to Texas, that is, members of our family, kin folks, and I stayed down there and knew them all along from that day till she came here and stayed a while and died; she lived there from '47 continuously till about '67 or '8.

Q Have a home there in Texas? A Yes, they had a home.

Q Recognized citizen of Texas? A Was a cotton planter, had looked like 75 or 100 negroes.

Q Husband and family lived there? A Yes, the old man and wife and son and three or four daughters.

Commissioner: They returned to the Cherokee Nation in '67 or '8?

A Yes, she was here in '67 or '8.

Q Were they readmitted to Cherokee citizenship? A Along somewhere after 1880.

Q Do you know Hannah West? A No, sir, I didn't know the negroes, there was too many to know.

\*\*\*\*\*

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and correct transcript from his stenographic notes thereof.

*Bruce C. Jones*

Sworn to and subscribed before me this the 6th of September, 1901.

*C. R. Buckinridge*

Commissioner.

117

12043

COMMUNICATIONS SECTION  
SEP 15 1901  
RECEIVED

Department of the Interior  
Commissioner of the General Land Office  
Washington, D. C.  
September 13, 1901.

SUPPLEMENTAL REPORT on the application of Mary ab  
West, C. F. E. 42.

by Mr. S. S. Phillips, Treasurer of the same.  
The above is a copy of a certificate of the re-issuance of a title  
deed to citizenship by the Commissioner of the General Land Office, dated May  
28th 1901.

It is hereby certified that the above is a true and correct copy of the  
original as the same was filed in the office of the Commissioner of the General  
Land Office, and the foregoing is a true and correct transcript  
of the same, as shown therein.

Subscribed and sworn to before me this 13th of September, 1901.

Commissioner.



Department of the Interior,  
Commission to the Five Civilized Tribes,  
Fort Sill, Okla., September, 11th 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Hannah  
West, C. F. D. #43.

By Mr. F. W. Hastings, Cherokee Representative:

The Cherokee Nation  
offers in evidence a certified copy of the re-admission of Sallie  
Mayfield to citizenship by the Commission on citizenship, dated May  
30th 1897.

Chas. von Weise, upon oath states that as stenographer to the Com-  
mission to the Five Civilized Tribes he reported in full all the  
above proceedings and the foregoing is a true and complete transcript  
of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this 11th of September, 1901.

M. P. Green

M. P.

Commissioner.

Cherokee 3183.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

*M.C.  
Jed*

In the matter of the application for the enrollment of  
Edward J. Nelson as a citizen by blood of the Cherokee Nation.

DECISION.

The record herein shows that on September 21, 1900, Julia A. Moore appeared before the Commission at Vinita, Indian Territory, and made application for the enrollment, among others, of Edward J. Nelson as a citizen by blood of the Cherokee Nation. The others included in said application have been heretofore disposed of, and will not be embraced in this decision. Further proceedings in the matter of said application were had at Vinita, Indian Territory, October 31, 1901.

The evidence herein shows that the applicant, Edward J. Nelson, is a Cherokee by blood; that on December 18, 1890, by the properly constituted authorities, he, together with other members of his family, was "admitted to all the rights and privileges of citizenship in the Cherokee Nation"; that on the date of said admission said applicant was six months old, and that thereafter, to-wit, in the year 1896, applicant herein, being at that time a member of his mother's family, removed to the Cherokee Nation, and became a bona fide resident thereof.

It is, therefore, the opinion of this Commission that Edward J. Nelson should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the act of Congress approved June 25, 1896 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

*CHIEF*

*Tams Birdy.*

Chairman

*CHIEF*

*T. B. Needles.*

Commissioner

*CHIEF*

*C. H. Breckinridge.*

Commissioner

Muskogee, Indian Territory,

MAY 1 1905

Cherokee Freedmen D 43

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of  
Hannah West as a Cherokee Freedman.

DECISION.

The record in this case shows that on April 10, 1901, Hannah West appeared before the Commission at Fort Gibson, Indian Territory, and made application for enrollment as a Cherokee freedman. Further proceedings in the matter of said application were had September 3, 4 and 11, 1901, at Fort Gibson, Indian Territory.

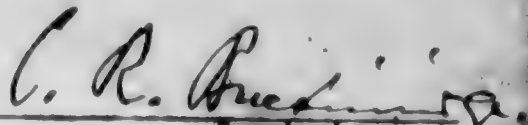
The evidence in this case shows that at the commencement of the Rebellion the applicant, Hannah West, was the slave of one Sally Mayfield; and that the said Sally Mayfield was a citizen of the state of Texas. Said applicant cannot be identified on the Cherokee authenticated tribal roll of 1890.

It is, therefore, the opinion of this Commission that the application for the enrollment of Hannah West as a Cherokee freedman, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 23, 1890 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Chairman

  
Commissioner

  
Commissioner

Dated at Muskogee, Indian Territory,  
this MAY 2 1901

COPY.

Cherokee Freedmen

B-43.

Muskogee, Indian Territory, March 21, 1906.

Peggie Swan,

Fort Gibson, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of March 10, 1905, asking to be advised as to the status of the application for the enrollment of Hannah West as a Cherokee freedman.

In reply you are advised that the Commission has not yet rendered a decision in this case. When a decision has been rendered the parties concerned will be furnished with a copy.

Respectfully,

(SIGNED). *Tame Bixby.*  
Chairman.

COPY.

Cherokee Freedmen

D-43.

Muskogee, Indian Territory, May 13, 1905.

Anna West,

Fort Gibson, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the record of proceedings had in the matter of the application for your enrollment as a Cherokee freedman, together with a copy of the Commission's decision dated May 13, 1905, rejecting said application.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. 8-11  
Register

SIGNED

*Tame Fixby*

Chairman.



COPY.

Cherokee Freedmen

D-43.

Muskogee, Indian Territory, May 13, 1908.

Bell, Hastings & Davenport,  
Attorneys for the Cherokee Nation,  
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 13, 1908, rejecting the application for the enrollment of Anna West as a Cherokee freedman.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. S-12

(SIGNED).

*Tame Bixby.*

Chairman.

COPY.

Cherokee Freedman  
D-43.

Muskogee, Indian Territory, May 13, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Anna West as a Cherokee freedman, including the Commission's decision dated May 13, 1905, rejecting said application.

Respectfully,

(SIGNED).

*Jame Dixby*  
Chairman.

Incl. S-13

Through the

Commissioner of Indian Affairs.

Land,  
36066-1908.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,

WASHINGTON,

May 23, 1908.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated May 13, 1908, transmitting the record of the application for enrollment as a Cherokee Indian by Hannah West.

May 13, 1908, the Commission decided adversely to the applicant.

The record shows that at the beginning of the war of the rebellion the applicant was the slave of Ballie Mayfield, a citizen and a resident of the State of Texas.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

H.M.M.  
V.

COMMISSIONERS:  
TAMS RIXBY,  
THOMAS B. NEEDLES,  
C. R. BRACKINRIDGE.

WM. O. BRALL,  
Secretary.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

CHEROKEE 3183.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 2, 1906.

Julia A. Moore,

Muskogee, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 13, 1906, granting the application for the enrollment of your son, Edward J. Nelson, as a citizen by blood of the Cherokee Nation.

You are advised that you will not be permitted to make an allotment selection for the said Edward J. Nelson until his name has been placed upon a final schedule of citizens by blood of the Cherokee Nation and approved by the Secretary of the Interior, of which you will be duly notified.

Respectfully,

  
Commissioner in Charge.  
Chairman.

Incl. 3-17

B. C. 44177-1905.  
I.T.B. 6066-1905.  
LRS

-Copy-

Y.P.  
LLB

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

September 18, 1905.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

May 13, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application of Anna West for her enrollment as a Cherokee freedman, including its decision of the same date rejecting said application.

Reporting May 23, 1905, the Indian Office recommended that the Commission's decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation and the decision of the Commission to the Five Civilized Tribes dated May 13, 1905, adverse to the applicant is hereby affirmed.

Respectfully,

(Signed) Theo Ryan  
Acting Secretary.

1 inclosure.



Cherokee Freedmen

B-43.

Copy.

Muskogee, Indian Territory, September 28, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, rejecting the application of Hannah West for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on September 18, 1905.

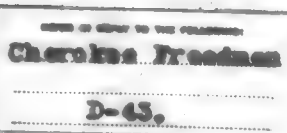
There is inclosed herewith, for your information, a copy of Departmental letter referred to.

Respectfully,

SIGNED

*Tame Dixby*  
Commissioner.

13  
Incl. 8-55



DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES. *JH*

Muskogee, Indian Territory, September 28, 1905.

Hannah West,

Fort Gibson, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, rejecting your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on September 18, 1905.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,



Commissioner.

18  
Incl. S-54

2543

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED  
APR 10 1901

 ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date APR 10 1901  
 Post Office Hof Gibson  
 District Illinois

1. Name \_\_\_\_\_ Age \_\_\_\_\_  
 Owner's name \_\_\_\_\_ Citizenship \_\_\_\_\_  
 Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ District \_\_\_\_\_

Parents:

Father \_\_\_\_\_ Citizenship \_\_\_\_\_

Mother \_\_\_\_\_ Citizenship \_\_\_\_\_

(11) Name of wife Hannah West Age 67

Owners name Sallie Mayfield Citizenship Cherokee

Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ District \_\_\_\_\_

Parents:

Father \_\_\_\_\_ Citizenship \_\_\_\_\_

Mother \_\_\_\_\_ Citizenship \_\_\_\_\_

Names of Children:

| No. | Year | Page | No. | Dist. |
|-----|------|------|-----|-------|
| 3.  |      |      |     |       |
| 4.  |      |      |     |       |
| 5.  |      |      |     |       |
| 6.  |      |      |     |       |
| 7.  |      |      |     |       |
| 8.  |      |      |     |       |
| 9.  |      |      |     |       |
| 10. |      |      |     |       |
| 11. |      |      |     |       |
| 12. |      |      |     |       |

Application made by Ho (11)

Stenographer James B. C.

37



# **NOTICE.**

## **Cherokee - Freedmen - Enrollment.**

The Commission to the Five Civilized Tribes will continue in session at

### **MUSKOGEE, IND. TER.,**

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Hannah Vest,

Gibson, I. T.

Cherokee F-D-43

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

# **NOTICE.**

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Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Hannah West,

Gibson, I. T.

Cherokee F-D-43

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Department of the Interior.

Commission to the Five Civilized Tribes.

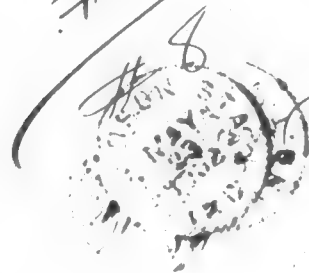
MUSKOCOE, IND. TER.



July 1, 1905,

to the Commission, Five Civilized Tribes, Muskogee, Ind. Ter.

#8



Department of the Interior.

Commission to the Five Civilized Tribes.  
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Unclaimed.

Hannah West,

Gibson, Indian Territory.

Unclaimed.  
Unknown

3609

Unclaimed.



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

105-6  
opened by  
Hannah West

Hannah West.

Fort Gibson, Indian Territory.





Department of the Interior.

Commission to the Five Civilized Tribes,  
MUSKOGEE, IND. TER.

2402  
11643

Set 1 to verify  
unclaimed

Anna West,

Fort Gibson, Indian Territory.



REGISTERED

JUL 2 1905

FT. GIBSON, IND. T

MAY 10 1905  
MUSKOGEE, IND. TER.



KOGEE, IND.  
NOV 7  
10 PM

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10



RECEIVED  
JUL 3 1905  
MUSKOGEE, IND. TER.

Cher. Fr. R. 457

Trans. C. F. D. 67

Cher. Fr. R. 457

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Fort Gibson, I.T., April 15, 1901.

In the matter of the application of James Drew for the enrollment of himself, his wife, Becky Drew, and five children, as Cherokee Freedmen.

James Drew, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

- Q What is your full name? A James Drew.  
Q How old are you? A About 46.  
Q What is your post office? A Baggs.  
Q In what district do you live? A Illinois.  
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.  
Q Do you want to enroll anybody besides yourself? A Yes, sir.  
Q Have you a wife you want to apply for? A No, sir, I have five children.  
Q What are you going to do about your wife? A She hasn't got any rights here.  
Q How long have you been married to her? A About 22 years ago I reckon.  
Q Are you living together now? A Yes, sir.  
Q You had better apply for her? A All right.  
Q These children are all under 21 years of age? A Yes, sir.  
Q And all unmarried? A Yes, sir.  
Q How long have you lived in the Cherokee Nation? A All of my days.  
Q Give me the name of your father? A Pollin Drew.  
Q Is he dead? A Yes, sir.  
Q How long has he been dead? A About 20 years.  
Q Give me the name of your mother? A Katie.  
Q Is she dead? A Yes, sir.  
Q How long has she been dead? A She has been dead about 17 years I think.  
Q Give me the name of your wife? A Becky.  
Q How old is your wife? A She is about 48 I think.  
Q You say you and your wife have been married about 22 years? A About 22 years.  
Q Where was your wife born? A I don't know, I think she was born here in the Nation somewhere on Illinois.  
Q Has she lived in the Cherokee Nation all her life? A I think she has; I don't know either.  
Q You are not certain about that? A No, sir.  
Q Has she lived in the Cherokee Nation ever since you and she were married? A Yes, sir.  
Q You and she have lived together ever since your marriage, have you? A Yes, sir.  
Q Living together now? A Yes, sir.  
Q Do you know the name of your wife's father? A Rowland Battieste.  
Q Is he dead? A Yes, sir.  
Q Give me the name of your wife's mother? A She is named Martha.  
Q Is she dead? A Yes, sir.  
Q How long has your wife's father been dead? A He has been dead about 12 or 13 years.  
Q How long has your wife's mother been dead? A She has been dead about 8 years I reckon.  
Q Were you ever married except to this wife? A No, sir.  
Q Was she ever married except to you? A I don't know whether she was or not, she lived with a man; I don't know whether she was married or not.  
Q What was his name? A His name was Jeff Thompson.  
Q Was he a colored man? A Yes, sir.  
Q Was he a Cherokee Freedman? A Yes, sir.  
Q Is he dead? A Yes, sir; I don't know whether he is or not, they



J.D.-2.

had him in jail up here and he got away and they got him back in there and I never did know what became of him.

Q Did she have any children by this man Jeff Thompson? A No, sir.

Q How long did she and Jeff Thompson live together? A I don't know exactly how long, somewhere along about 2 years I guess.

Q They lived together in the same house? A I guess so, I never did go about them when they lived together, they stayed down here by Braggs.

Q What did they do down there, farm? A I don't know, sir, I never came about them.

Q You just heard of them living together? A Yes, sir, and after me and her married she was telling me about her living with Jeff.

Q How did she happen to quit living with Jeff Thompson?

Q They just parted, I don't know how come them to part.

Q Was it caused by his being sent to prison or anything like that?

A No, sir.

Q How long had she parted from him when she began living with you?

A I don't know, sir, something about two or three years.

Q You knew of her living with Jeff Thompson? A Yes, sir, I heard of it, I never did go about them before; I lived at Webbers Falls then.

Q Did you know of it before you married her? A Yes, sir.

Q And then you knew that she and Jeff Thompson had parted? A Yes.

Q And after they had been parted about 2 years you and she married?

A Yes, sir.

Q Do you know whether she got a divorce from Jeff Thompson?

A They lived together, I don't know whether or not they were married.

Q But you were satisfied they had finally parted? A Yes, sir.

Q And you don't know whether Jeff Thompson is living now or not?

A No, sir, I don't remember.

Q When did you last hear of him? A The last time I heard of him they had him up here at Tahlequah jail.

Q When was that? A That has been about ten years I reckon.

Q How give me the names of this child? Matt.

Q How old is that child? A He is about 18 years old.

Q The next child? A Malissa.

Q How old is that child? A She is about 15.

Q The next child? A Aginora.

Q How old is that child? A About 12 years old.

Q What is the next child? A Cassie.

Q How old is that child? A She is about 8.

Q The next child? A Its name is Beulah.

Q How old is that child? A She is 6 years old.

Q The next child? A That is all of them.

Q Are these children all living now? A Yes, sir.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicants identified thereon as follows:

James Drew on page 13, No. 332, Canadian district;

Becky Drew not on 1880 roll.

The 1896 census roll of Cherokee Freedmen examined, and the applicants identified thereon as follows:

James Drew on page 947, No. 187, Illinois district;

Matt Drew on page 947, No. 188, Illinois district, Mattie Drew

Malissa Drew on page 947, No. 189, Illinois district;

Aginora Drew on page 947, No. 190, Illinois district, as

Agie Drew;

Cassie Drew on page 947, No. 191, Illinois district.

Becky Drew not on 1896 roll.

Q How comes it your wife is not on the roll of 1880 or 1896?

A They never did put her down; they never did enroll her.

Q On what ground did they dispute her? A I never tried to find

J.D.p3.

out; they disputed her on her mother; her mother was disputed about something about the Choctaw Nation; they lived in the Choctaw Nation; something about when the war broke out they lived over in the Choctaw Nation; they hid out somewhere in there, went somewhere south, and when she came back she stayed in the Choctaw Nation, I don't know how long.

Q Who is there here that knows you and your wife have lived together as husband and wife? A Fox Glass.

-----  
Fox Glass, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name? A Fox Glass.

Q Give your age? A 50.

Q Your post office? A Vian.

Q Your district? A Illinois.

Q How long have you lived in the Cherokee Nation? A All my life.

Q Do you know this applicant here, James Drew? A Yes, sir.

Q Do you know his wife? A Yes, sir.

Q What kin is his wife to you? A No kin at all.

Q This man is kin to you some way? A Brother in law.

Q You married his sister? A Yes, sir.

Q How long have you known his wife? A I have been knowing her quite a while, I guess about 15 or 20 years, somewhere along there.

Q Have they been living together as husband and wife all that time?

A Yes, sir, they have been living together all the time.

Q Do you know anything about her having lived with a man named Jeff Thompson before she married this man? A I know she did, but I don't know very much about it.

Q You don't know anything very much about that? A No, sir.

Q That seems to have been before you knew her, because the applicant stated that he and his wife have been married 22 years, and it was before that she lived with this man Thompson? A Yes, sir.

Q But you have known them as husband and wife for some 15 or more years? A Yes, sir.

-----  
James Drew, recalled, testified:

Q Does your wife claim to be a Choctaw Freedman? A Well, they all tried to prove her rights over there and she didn't do that; after she tried it here and didn't get them here, she went over there and tried to prove it over there, and she hasn't any rights anywhere yet; she was sure born and raised right in this Cherokee Nation.

Q When did she first try to prove her rights here? A That was here in this last term when they were proving them; in 1896.

Q When they took the census roll? A Yes, sir.

Q When did she try to prove up her rights as a Choctaw? A She had been down there before, her mother tried to get her rights and she failed to get it, and when the Choctaws was down here to Tushkahomma she went down there.

Q You never have applied for enrollment on the Choctaw roll?

A No, sir.

Q Nor the roll of any other tribe or nation? A No, sir.

Q You have never applied to have your children enrolled with any other tribe or nation? A No, sir.

Mr. W. W. Hastings, attorney for Cherokee Nation: Did you apply for the enrollment of your wife in 1896 before the Kerne-Clifton Commission? A No, sir.

Commissioner Breckinridge: She didn't draw strip money or anything of that sort? A No, sir, she hasn't drawn any in either nation

James Drew - 4.

here.

Commissioner Breekinridge: The weak point in the case of these children appears to be the apparent marriage between your wife and this man Jeff Thompson; they seem to have held one another out as husband and wife, and we have no evidence of their ever having been divorced.

A I don't know, he was convicted to be hanged; I don't know whether they were married or not; me and her was married.

Q The question still remains as to whether or not she had gotten rid of her connection with this man Thompson.

John Thompson, being duly sworn and examined by Commissioner Breekinridge, testified as follows:

Q Give me your full name? A John Thompson.

Q How old are you? A 45.

Q What is your post office? A Fort Gibson.

Q In what district do you live? A Illinois.

Q How long have you lived in the Cherokee Nation? A I was born and raised here, I never went out.

Q Did you know Jeff Thompson? A Yes, sir.

Q Did Becky Drew, the wife of this applicant here, used to live with Jeff Thompson? A Yes, sir.

Q Jeff Thompson was your brother, wasn't he? A Yes, sir.

Q This man's wife and this man Jeff Thompson lived together before she and this man were married? A Yes, sir.

Q When did they live together, how long? A I think about a couple of years.

Q They lived together as husband and wife about a couple of years?

A They lived with my father and mother.

Q You said a while ago before you were sworn that they lived together as husband and wife? A Yes, sir.

Q Did you see they married? A No, sir.

Q Who married them? A They were never lawfully married as I know of.

Q Did they take up as husband and wife? A That is correct.

Q They held each other out to the neighborhood as husband and wife? A Yes, sir.

Q And would have continued to live that way perhaps if they hadn't afterwards quarrelled? A Yes, I suppose they would have if they hadn't had no disagreement.

Q What did they fall out about? A I can't tell you; that brother of mine was a kind of a wild kinder fellow, and he wouldn't stay with no woman.

Q Were there any children of that marriage? A None that I know of.

Q You never heard of any being born of that marriage? A No, sir. The 1880 authenticated roll of Cherokee Freedmen examined and the name of Jeff Thompson found thereon, page 51, No. 1405, Canadian district.

Commissioner Breekinridge: The applicant applies for the enrollment of himself, his wife and five children. The applicant is duly identified on the rolls of 1880 and 1896 as a Cherokee Freedman. He is stated to have lived in the Cherokee Nation all his life, and he will be listed for enrollment as a Cherokee Freedman.

His wife is not identified upon any roll, and it appears that she at some time claimed as a Choctaw Freedman. The applicant states that she failed to establish her rights in that respect, and it further appears from the testimony of the

James Drew - 5.

applicant and from other testimony that before the marriage between the applicant and his wife, she had lived some two years with one Jeff Thompson, having lived with him as his wife, and it does not appear that a divorce was obtained when they separated. Her first husband, Jeff Thompson, however, is duly identified on the roll of 1880, and he is said to have died some ten years ago. Under these conditions, the application for the enrollment of the applicant's wife, Becky Drew, will be placed upon a doubtful card.

Of the five children named in the testimony, the first four are duly identified on the roll of 1896. They are living and under the conditions stated, they will all be placed upon a doubtful card, being classed as Cherokee Freedmen as their mother is directed to be classed; and when the Commission is supplied with a proper certificate of the youngest child, Beulah, this child will also be listed upon a doubtful card as a Cherokee Freedman.

-----  
John Thompson, recalled, testified:

Commissioner Breckinridge: When did your brother Jeff die? A Why I think it has been about 11 years ago.  
Q Where did he die? A Tahlequah.  
Q You can't find out exactly when he died, can you? A I couldn't; he was in the National prison there, probably the records would show.  
Q When was he first sent to prison? A I think about 1887.  
Q Where was he sent? A Tahlequah.  
Q Was he sent off to the penitentiary? A No, sir, that is all.  
Q That is the Cherokee penitentiary? A Yes, sir.  
Q And did he die in that penitentiary? A Yes, sir.  
A Stayed there until he died? A Yes, sir.  
Q What was he put there for? A Put there for murder.  
Q Was he sentenced for life? A No, sir, he was sentenced to hang and he got away before the time set to hang him and when they got him again they never hanged him there, kept him until he died.

-----  
Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 16th of April, 1901.

T. B. Needles  
Comr.

Maud Cotner, the undersigned, being duly sworn, states that as a stenographer to the Commission to the Five Civilized Tribes she made the foregoing copy of testimony and that the same is a true and complete copy of the original on file with this Commission.

Subscribed and sworn to before me this the 16th day of April, 1903.

*Maud Cotner*  
*Edward M. Needles*  
Notary Public.

Q Sisters or know whether she had any? A Yes, sir, she had sisters.  
Q You remember any of their names, sisters? A Betty Rayon.  
Q Well, do you know any of her family now other than herself, have  
you ever not acquainted with any of the children since the war?

A Yes, sir.  
Q Tell what are their names? A One is named Peggy.  
Q Peggy is married now? A Yes, sir. One named Sallie, she is married  
to Vann.

Q Afterward married who? A John Crossland.  
Q Tell, do you know any of the others, do you know Emma Holmes?  
A Well, I see her, I don't know Emma much, I see them once in a  
while.

Q And they lived in the Cherokee Nation, did they not?  
Q Was when the war broke out? A Yes, sir.  
Q And after that time, sometime after the war, about ten years  
you think.

COMMISSION: You think you say that they are over on Indian  
rolls in the Cherokee Nation? A Yes, sir.

Q Well, do you know whether these children were living over there  
with their mother at that time, these children that you speak of?

A Yes, sir.  
Q Do you know that they were living in the Cherokee Nation, do you?

A When the war broke out they were born then, these children.

Q Well, Sallie was born then wasn't she? A No, Peggy was born,  
Sallie wasn't born.

Q Well, how do you know that Martha Ballard was born to  
this Ben Krohn? A Why I used to go around there on the place.

Q Did she stay at his place, about 1870, 1871, was she the wife of  
Krohn, about then did he take possession of her? A I don't know.

Q Well, she formerly belonged to a Cherokee man, Mr. Richard Brown?

A Yes, sir.

Q The first time you saw them in the Cherokee Nation, about ten  
years after the war? A Yes, sir.

Q Do you know whether they had ever been there before that? A No,  
sir.

Q You don't know anything about that? A No, sir.

This testimony will be filed with and made a part of the  
record in the following Cherokee cases: D-19, D-26, D-67,  
D-175 and D-126.

ARTHUR C. BRIDGEMAN, being duly sworn, states that as  
attest to the Commission to the Five Civilized Tribes, he  
reported in full the testimony and proceedings in the above case and  
that the foregoing is a true and correct transcript of the testimony  
and notes thereof.

ARTHUR C. BRIDGEMAN, Commissioner.

Witness my hand and seal at the City of Washington, D.C., this 1st day of April, 1906.

ARTHUR C. BRIDGEMAN, Commissioner.

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ARTHUR C. BRIDGEMAN, Commissioner.

Witness my hand and seal at the City of Washington, D.C., this 1st day of April, 1906.

ARTHUR C. BRIDGEMAN, Commissioner.



To be filed in U. S. D. 67.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., April 10, 1902.

In the matter of the application of Nellie Crossland for the enrollment of herself as a Cherokee Freedman.

Applicant represented by L. T. Brown, Vinita, I. T.  
Cherokee Nation represented by J. S. Davenport.

The Cherokee Nation by its representative makes satisfactory proof of service on L. T. Brown, agent for the applicant in this case, that it would on the 10th day of April, 1902, at the office of the commission in the town of Muskogee, Indian Territory, introduce testimony tending to disprove the right of Nellie Crossland to be enrolled as a Cherokee Freedman. The applicant and her agent have this day, to wit the 10th day of April, 1902, been called, and fail to respond either in person or by attorney.

JACOB GRAPE, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A Jacob Grape.  
Q Where do you live, Jacob? A In Illinois District.  
Q What is your profession? A Vint.  
Q How old are you? A Well, sir, I couldn't answer you exactly but I could say pretty closely.  
Q Well, as near as you can get at it? A I think something about sixty years old I guess.  
Q Where was you living before the war of the confederacy? A I lived over on this side of the river.  
Q In the Cherokee Nation? A Yes, sir, I lived right down there at Hobbs Falls.  
Q Did you know a colored woman that went by the name of Martha Bettoet? A Yes, sir, but she lived over in the Choctaw Nation.  
Q When did you know her, Jacob, with reference to the breaking out of the war, before or after the war broke out? A I knowed her before the war, but I couldn't tell you just how long, but I knowed her before the war.  
Q Well, now, to whom did she belong when you first knew her? A She belonged to Richard Brown, that was old man Brown's son, Richard.  
Q That was in the Cherokee Nation at that time? A That was in the Choctaw Nation.  
Q Well, do you know to whom she was belonging at the breaking out of the war? A Yes, sir.  
Q To whom did she belong? A She belonged to Joe Krebbe.  
Q Where was Joe Krebbe living? A He was living up in Canadian, in the Choctaw Nation.  
Q Do you know what his citizenship was? A No, sir.  
Q That is, whether he was a Cherokee or Choctaw Indian? A He was a Choctaw.  
Q Well, have you known Joe Krebbe since the war? A Yes, sir.  
Q Where did he live when you know him after the war? A Well Joe Krebbe when I knowed him that was after the war I knowed him, then he was just over there about the bluff, around in there.  
Q Well, now do you know Peggy Mackey? A Yes, sir.  
Q Do you know Becky Drew, she goes by the name of Drew, now she was a sister or a relative of these parties? A Yes, sir.  
Q Do you know Emma McAwes? A Yes, sir.  
Q Well, where do they live now? A Right now?  
Q Yes, sir. A Well, this Emma McAwes she lives in Sandtown.

Q On the Cherokee side? A Yes, sir, in Illinois District.

Q Where is Becky Drew, do you know? A She is living in Illinois District.

Q Well, you came back immediately after the war did you? A Never went out.

Q When did these people come into the Cherokee Nation with reference to the war? A Well, sir, now, now that was a thing that I didn't know was going to come up.

Q Well, about how long after the war was over before you saw them, you knew their mother before the war? A Well, I knew her a little bit I guess, it was a good while before I saw them come.

Q You know what Mama McAwes's mother's name was? A Nanoy.

Q That was her other name? A Well, that was all.

Q You didn't know whether she had any other name? A Well, she had a husband, well I don't know what it was, but they called him John, his name was John Rose, and they just—she was following him around, followed him around.

Q Well, was Martha Batist or any of her family living in the Cherokee Nation when the war broke out? A No, sir, not as I know of, I don't think they were.

Q Well, you know her? A There was only one living in the Nation, that was Peggy.

Q Peggy Hayes? A Yes, sir.

Commissioner: When did you first learn to know this Sallie Crossland; when did you first become acquainted with her? Sallie Crossland, the applicant in this case. Well, when did you first learn to know the mother of this applicant? A Well, I knowed Batist then?

Q Yes. A I don't exactly couldn't tell you.

Q Was it before the war? A I knowed them all the time.

Q Well, did you learn to know Martha Batist before the war? A Knowed her mother.

Q Well, when did you learn to know her? A Her, Sallie Batist?

Q No, Sallie's mother? A Sallie's mother, knowed her ever since before the war.

Q When did you learn to know Sallie; have you known her ever since she was born? A No, sir, I guess not.

Q Do you know where she was born? A No, sir, I don't.

Q Well, where was she living when you first learned to know her? A Sallie you talking about?

Q Yes, either Sallie or Martha either one. There was Martha Batist living when you first learned to know her, was she in the Cherokee Nation? A She was living in the Choctaw Nation.

Q Well, how long did she continue to live there before she came to the Cherokee Nation? A After peace, then she came.

Q How long afterwards? A Why I couldn't tell you.

Q Well, haven't you any idea how long it was? A No, sir, I could not exactly tell you.

Q Was it as much as a month after peace was made? A I couldn't tell you that neither.

Q You haven't any idea how long it was? A No, sir, that was something I never thought was going to come up.

Q You don't know in that year she came back? A No, sir, not at all.

Q Well, did Martha Batist live in the Cherokee Nation before the outbreak of the war? A No, sir.

Q Did she ever live in the Cherokee Nation before the war? A I never knowed her to live before the war in the Cherokee Nation, when I knowed her she was in the Choctaw Nation.

Q Well, would she belong to when you first learned to know her before the war? A She was belonging to old Richard Brown.

Q Well, now, was he a Cherokee or a Choctaw? A Choctaw, part Choctaw and half Cherokee.  
 Q Well, did she belong to him until she was set free? A Yes, sir, she was belonging—no, she was belonging to Krebs when she was set free.  
 Q Well, what was Krebs? A Joe Krebs.  
 Q Was he a Cherokee? A Choctaw.  
 Q No Cherokee about him at all? A No, sir, I don't suppose he ever was.  
 Q Well, did he own this Martha after Richard Brown owned her or before? A He owned her before the war you know.  
 Q Well, who owned Martha when peace was made? A Nobody, she was set free then you know.  
 Q Well, I mean just before she was set free? A Joe Krebs.  
 Q You don't know anything about this Sallie at all, Sallie Batlest or Sallie Crossland; that's Martha's child? A Yes, sir, I do know her now. I just had forgot about her.  
 Q Do you know where she was born? A No, sir, I don't.  
 Q Do you know when she came to the Cherokee Nation? A Well, I expect she came with her mother.  
 Q Well, do you know whether she came with her mother? A No, sir, I don't know. They was all together all dem folks was all together.  
 Q You don't know whether Sallie was with them? A No, sir, I don't know when she come in nor nothing.

ANDY CROSSLAND, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A Andy Crossland.  
 Q Where do you live, Andy? A I live in Sallie, Illinois District.  
 Q What is your age, Andy? About how old are you? A About seventy-eight.  
 Q Where were you raised? A I was raised Sequoyah, Cherokee Nation.  
 Q Live there all your life? A Yes, sir.  
 Q Did you know Martha Batlest before the war? A I used to know her, called her Martha Brown.  
 Q Called her Martha Brown? A Yes, sir.  
 Q Who did she belong to when you first knew her? A Ocie Brown.  
 Q Well, to whom did she belong at the breaking out of the war, did she belong to Ocie Brown or had he disposed of her? A Krebs, Joe Krebs, Ocie Brown sold her to Krebs.  
 Q Where did Krebs live at the time? A He used to live down close to the Choctaw Nation.  
 Q Well, now, there was Brown living when you knew Martha Batlest? A Lived on the bluff.  
 Q In the Cherokee Nation or Choctaw Nation or Creek Nation? A Choctaw Nation.  
 Q Well, was Krebs a citizen of the Cherokee Nation or did you know? A No, sir, he was Choctaw.  
 Q Well, when did you first see them after the war in the Cherokee Nation, Martha or her family or any of them, if at all? A I expect after the war I seen her after the war about ten years then, I saw her on the falls.  
 Q You seen Webbers Falls? A Yes, sir.  
 Q After the war sometime then about ten years you think? A Yes, sir, about ten years.  
 Q Did you know her before the war? A Yes, sir.  
 Q Did you know her family before the war or any of her children or

sisters or know whether she had any? A Yes, sir, she had sisters.

Q You remember any of their names, sisters? A Hetty Hayes.

Q Well, do you know any of her family now other than herself, have you ever got acquainted with any of the children since the war?

A Yes, sir.

Q Well, what are their names? A One is named Peggy.

Q Peggy McAfee now? A Yes, sir. One named Sallie, first married to Vann.

Q Afterwards married who? A Lewis Crossland.

Q Well, do you know any of the others, do you know Emma McAfee?

A Well, I see her, I don't know Emma much, I see them once in a while.

Q And they lived in the Choctaw Nation with Krebbs and belonged to Krebbs when the war broke out? A Yes, sir.

Q And after that time, sometime after the war, about ten years you think.

COMMISSION: You think you say that they are over on Webbers Falls in the Cherokee Nation? A Yes, sir.

Q Well, do you know whether these children were living over there with their mother at that time, these children that you speak of?

A Yes, sir.

Q Do you know that they were living in the Choctaw Nation, do you?

A When the war broke out they wasn't born then, them children.

Q Well, Sallie was born then wasn't she? A No, Peggy was born, Sallie wasn't born.

Q Well, how do you know that this Martha Batteist was sold to this man Krebbs? A Why I used to go around there on the place.

Q Did she stay at his place; about how long was she the slave of Krebbs, about when did he take possession of her? A I couldn't tell you.

Q Well, she formerly belonged to a Cherokee did she, Richard Brown?

A Yes, sir.

Q The first time you saw them in the Cherokee Nation was about ten years after the war? A Yes, sir.

Q Do you know whether they had ever been here before that? A No, sir.

Q You don't know anything about that? A No, sir.

This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: D-19, D-26, D-67, D-175 and D-126.

Arthur C. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 11th day of April, 1902.

Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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Coke

In the matter of the application for the enrollment of  
Becky Drew as a Cherokee Freedman.

-14-


D E C I S I O N.


The record in this case shows that on April 15, 1901, James Drew appeared before the Commission at Fort Gibson, Indian Territory, and made application for the enrollment among others, of his wife, Becky Drew, as a Cherokee freedman. The others included in said application have been otherwise disposed of, and they will not be embraced in this decision. A copy of the testimony taken at Muskogee, Indian Territory, on April 10, and 18, 1902, in re application of Sarah Crossland for enrollment as a Cherokee freedman, is filed herewith and made a part of the record herein.

The evidence in this case shows that the applicant, Becky Drew, was born about the year 1853, and was not the slave of a Cherokee citizen, nor a free colored person residing in the Cherokee country, at the commencement of the rebellion, and she cannot be identified on the Cherokee authenticated tribal roll of 1880.

It is, therefore, the opinion of this Commission that the application for the enrollment of Becky Drew as a Cherokee freedman should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
\_\_\_\_\_  
Chairman

  
\_\_\_\_\_  
Commissioner

  
\_\_\_\_\_  
Commissioner

Muskogee, Indian Territory,



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of  
Matt, Malissa, Aginora, Cassie and Beulah Drew as Cherokee Freedmen:

D E C I S I O N

The record in this case shows that on April 15, 1901, James Drew appeared before the Commission at Fort Gibson, Indian Territory, and made personal application for the enrollment of himself, his wife, Becky Drew, and minor children, Matt, Malissa, Aginora, Cassie and Beulah Drew. The said James Drew is differently classified and is not embraced in this decision. The application also included the said Becky Drew but her status is not fixed at this time and she is not embraced herein. The evidence taken in the matter of the application of Sallie Crossland, at Muskogee, Indian Territory, on April 10 and 18, 1902, is filed with and made a part of the record in this case.

The evidence shows that the applicants, Matt, Malissa, Aginora, Cassie and Beulah Drew, are the minor children of the said Becky Drew by her husband, James Drew, who is duly identified on the 1880 authenticated roll of the Cherokee Nation.

The evidence further shows that the said James Drew has continuously resided in the Cherokee Nation since 1880 and it will be presumed that the residence of the minor children herein is the same as that of their father, the said James Drew.

It is, therefore, the opinion of this Commission that Matt Drew, Malissa Drew, Aginora Drew, Cassie Drew and Beulah Drew should be enrolled as Cherokee Freedmen, in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 28, 1896 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Chairman.

(SIGNED)

Commissioner.

Commissioner.

Muskogee, Indian Territory,

Commissioner.

this JUL 10 1902

COPY.

Cherokee Freedmen

D-67.

Muskogee, Indian Territory, May 2, 1905.

Becky Drew,

Bragg, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the record of proceedings had in the matter of the application for your enrollment as a Cherokee freedman, together with a copy of the Commission's decision dated May 2, 1905, rejecting said application.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. S-35  
Register

(SIGNED) *Tame Bixby.*  
Chairman.

COPY:

Cherokee Freedmen

D-67.

Muskogee, Indian Territory, May 2, 1905.

Bell, Hastings & Davenport,  
Attorneys for the Cherokee Nation,  
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 2, 1905, rejecting the application for the enrollment of Becky Drew as a Cherokee freedman.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED). *Tame Pixby.*  
Chairman.

Incl. S-36

COPY

Cherokee Freedman  
D-67.

Muskogee, Indian Territory, May 2, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Becky Drew as a Cherokee freedman, including the Commission's decision dated May 8, 1905, rejecting said application.

Respectfully,

(SIGNED)

*James Bixby*

Chairman.

Incl. S-37

Through the

Commissioner of Indian Affairs.

Land.  
34379-1908.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON,

May 18, 1908.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated May 2, 1908, transmitting the record of the application for enrollment as a Cherokee Freedman of Becky Drew.

May 2, 1908, the Commission decided adversely to the applicant.

The record shows that the applicant was born about 1855, and was not the slave of a Cherokee citizen nor a free colored person residing in the Cherokee Nation at the beginning of the war of the rebellion and she is not identified on any Cherokee roll.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M.M.M.  
V.



D. C. 46564-1905.  
I.T.D. 5814-1905.  
LRS

G.R.  
LLB

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

October 5, 1905.

Commissioner to the Five Civilized Tribes,  
Muskegee, Indian Territory.

Sir:

May 2, 1905, the Commission to the Five Civilized Tribes transmitted the record of the application of James Drew for the enrollment of his wife, Becky Drew, as a Cherokee freedman, including the decision of the Commission dated May 2, 1905, denying said application.

May 15, 1905, the Acting Commissioner of Indian Affairs reporting thereon, recommended that the decision of the Commission to the Five Civilized Tribes be affirmed. A copy of his letter is inclosed.

The Department concurs in the recommendation made and the decision of the Commission to the Five Civilized Tribes dated May 2, 1905, denying the application of James Drew for the enrollment of his wife, Becky Drew, as a Cherokee freedman is hereby affirmed.

Respectfully,

1 inclosure.

(Signed) Thos Ryan  
Acting Secretary.

FORM NO. 100-1 TO THE FOLLOWING:  
**Cherokee Freedmen**

D-67.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES. *JS*

*Beck*  
Muskogee, Indian Territory, October 12, 1905.

Becky Drew,

Braggs, Indian Territory.

near Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 2, 1905, rejecting the application for your enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on October 5, 1905.

For your information, there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

Incl. S-102

*[Signature]*  
Commissioner.

Cherokee Freedmen

D-67.

COPY.

Muskogee, Indian Territory, October 12, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 2, 1905, rejecting the application for the enrollment of Becky Drew as a Cherokee freedman, was affirmed by the Secretary of the Interior on October 5, 1905.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

SIGNED

*James B. Dixon*  
Commissioner.

Incl. S-103

1911  
M. M. M. M. M.

Department of the Interior.

Commission to the Five Civilized Tribes,

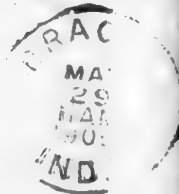
MUSKOCOE, IND. TER.



67.  
67.  
Reg. #  $\frac{106}{99}$

Becky Drew,

Briggs, Indian Territory.





Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

REGISTERED.



Becky Drew,

Prange, I.T.

*[Faint handwritten signature]*

*67067*  
*8FR45-7*

Cher. Fr. R. 458

See C. F. D. 95

Cher. Fr. R. 458

A

5195

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
FORT GIBSON, I.T., APRIL 17th, 1901.

In the matter of the application of Henry Brown for the enrollment of his mother, FANNY LOWERY, as a Cherokee Freedman; said Brown being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Henry Brown.  
Q What is your age, Mr. Brown? A The last time I registered I was 40 years old.  
Q That would make you about 46 years old? (No response.)  
Q What is your post office? A Vian.  
Q What district do you live in? A Illinois.  
Q Now, you apply for the enrollment of Fanny Lowery, your mother?  
A Yes, sir.  
Q How old is she? A 70 or 80 years old.  
Q What is her post office address? A Vian.  
Q What district does she live in? A Illinois.  
Q Is she a Cherokee Freedman? A Yes, sir.  
Q Is she recognized by the Cherokee authorities? A Yes, sir.  
Q What is the reason she is not here herself? A She is old and disabled.  
Q You are her guardian? A Yes, sir.  
Q Impossible for her to be present herself on account of her bodily infirmities? A Yes, sir.  
Q Has she always lived in the Cherokee Nation? A Yes, sir.

The 1880 Authenticated Roll of citizens of the Cherokee Nation examined and the name of Fanny Lowery not found thereon:

- Q Did she always go by the name; any other name besides Lowery?  
A Her former husband's name was Meigs.  
Q Why is not your mother's name on the roll of 1880? A I don't see why it was, she was here on Grand River.  
Q You know that her name was not on the roll of 1880?  
A Yes, sir; it is on the Kerns-Clifton roll.  
Q Was your mother a slave? A Yes, sir.  
Q Whom did she belong to? A Jim Lowery.  
Q Was she taken out of the Territory during the war? A Yes, sir.  
Q Where to? A Chickasaw Nation.  
Q Did she never go any further south than the Chickasaw Nation?  
A No, sir.  
Q When did she come back? A In '60, along '60, '65, somewhere along there.  
Q Did she come back in '65? A Sir?  
Q Are you sure it was in '65? A It was some time in '65 or '66.  
Q Has she been living here ever since? A Yes, sir.  
Q What is the reason you say her name is not on the roll of 1880?  
A She was up in Cooweescoowee somewhere.  
Q What was she doing up there, visiting? A No, sir.

Kerns-Clifton Roll of citizens of the Cherokee Nation examined and applicant's name found thereon, page 136, #338, Fannie Lowery, Illinois District.

BY W. W. HASTINGS, Cherokee Representative:

- Q Henry, you didn't go out with your mother? A No, sir; I come back in '65; that is what they said it was.  
Q You testified before that you come back in 1866, didn't you? (No response.)  
Q You made application for your mother before, she was not present?  
A Yes, sir.

Fanny Lowery--2.

Q You testified then that you came back in '66? A I didn't say I did; I came back in due time I think.

Q You came back here before your mother? A Yes, sir, in '65 I suppose.

Q I ask you the question now if you didn't swear that you came back in '66? A I don't remember what I swore.

Q Did you come back before your mother did? A I came back the same Fall.

Q You came back before your mother? A I believe I did.

Q Whom did your mother come back to the Cherokee Nation with?

A Katie Lowery.

Q A Cherokee woman? A Yes, sir.

Q Did anyone else come back with her? A I don't know who else was in the crowd.

Q Who were some of her people? A Henry Lowery.

Q Did he come back with your people? A I don't know.

Q Katie, she was his mother--Henry Lowery's? A No, sir.

Q Would Henry Lowery know when Katie Lowery came back to the Cherokee Nation? A Katie Lowery came back the same year Henry did.

Q To what neighborhood did your mother come when she returned to the Cherokee Nation after the war? A On Canadian.

BY COMMISSIONER NEEDLES:--

Q Did you state, Mr. Brown, that your mother never went further South than the Chickasaw Nation? A No, sir.

Q Didn't go down to Texas? A No, sir.

BY W. W. HASTINGS:

Q Were you with them? A I was down there in the same country, I belonged to John Riley and she belonged to Jim Lowery.

BY COMMISSIONER NEEDLES:

Q Have you got any witnesses as to your mother's return to the Cherokee Nation? A No, sir.

Q She has always lived in the Cherokee Nation since? A Yes, sir.

COM'R NEEDLES:--The name of Fanny Lowery cannot be found upon the authenticated roll of 1880, or census roll of 1896, but her name is found upon the Kerns-Clifton pay roll. No satisfactory testimony is given as to the citizenship of said Fanny Lowery, final judgment as to her enrollment will be suspended and her name will be placed upon a doubtful card.

---000000000---

J. O. Pesson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

*J. O. Pesson*

Subscribed and sworn to before me this 18th day of April, 1901.

*C. R. Headmire*

Commissioner



2EB 8 1801  
LIVED

COMMISSION TO THE FIVE CIVILIZED TRIBES  
DEPARTMENT OF THE INTERIOR

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R

SUPPLEMENTAL TESTIMONY.

C. F. D. #95.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
FORT GIBSON? I.T., SEPTEMBER 7, 1901.

SUPPLEMENTAL TESTIMONY introduced on the part of the Cherokee Nation in the matter of the enrollment of Fanny Lowry as a Cherokee Freedman:

APPEARANCES:

Mr. L. B. Bell, of Counsel for Cherokee Nation.

Cherokee Nation produces satisfactory proof of service of notice and the said Fanny Lowry has been called three times and does not respond.

HENRY C. LOWREY, being duly sworn and examined, testified as follows: Examination by the Commission:

- Q What is your name? A Henry C. Lowrey.  
Q What is your post office address? A Muskogee.  
Q How old are you, Mr. Lowrey? A 52.

BY MR. BELL: Are you acquainted with the applicant, Fanny Lowry? A Yes, sir.

Q Just state to the Commission what you know about her return to this country. A Well, Fanny Lowry left us in '65, started to this country from south, we was down on Red river in the Choctaw Nation, she and Katie Lowry and Emily Lowry and her children, and we came in the fall of '66 and in the fall of '67 I saw Katie down here on Vian and asked her about Aunt Fanny, we called her then, where she was, and she said they stopped down there in the Choctaw Nation, that that was her home, and saw Henry Brown after that, her son, and I inquired of him where she was and he said she and Emily Brown were down in the Choctaw Nation where they were living, and a few years back, I just don't remember how long back, I saw Henry Brown in Muskogee, and he said he had been down in the Choctaw Nation after his mother, and was returning home with her; said she was down there in town and wanted me to go and see her; I don't remember just how many years back.

Q As much as ten years ago? A Yes, sir, somewhere along there, not more than that, I don't think.

COMMISSION: Where did you see Henry Brown first in the Cherokee Nation? A I don't just remember, about '68, maybe, somewhere along there, and at that time he informed

Q And at that time he informed you that his mother, Fanny Lowry, had not returned to the Cherokee Nation? A Yes, sir, I inquired where his mother was.

Q Do you know when Henry Brown returned to the Cherokee Nation?

A He came in ahead of us.

Q He came in '66? A Yes, sir; hold on, I think he came in the winter of '65 with my father down to Fort Smith, driving a bunch of hogs.

MR. BELL: Henry did? A Yes, sir.

COMMISSION: You don't know then of your own knowledge when Fanny Lowry, Henry's mother, did return to the Cherokee Nation?

A I don't know the date.

Q Do you know about when she returned to the Cherokee Nation?

A About ten years ago; that is, that's Henry Brown's statement; he had went to the Choctaw Nation after her.

Q Then did you first see Fanny Lowry in the Cherokee Nation?

A I haven't never seen her.

Q You never saw her there? A No, sir.

MR. BELL: Is Fanny Lowry, who was she? A She was the slave of my grandfather and my father after my grandfather died.

C.F.D. 493-2.

Q This Henry Brown, a son of mine, was a slave too? A Yes, sir.  
COMMISSIONER: Your father was recognized citizens of the  
Cherokee Nation? A Yes, sir.

J. G. Rosson, being duly sworn, states that as a stenographer  
to the commission to the Five civilized tribes, he correctly recorded  
the testimony and proceedings in this case and that the foregoing  
is a true and complete transcript of his stenographic notes thereof.

J. G. Rosson

Subscribed and sworn to before me this September, 7th, 1901.

Commissioner.

M. D. Green  
MD

Cherokee Freedman  
D-95.

O.L.J.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-006-

In the matter of the application for the enrollment of  
Fanny Lowery, as a Cherokee Freedman.

---: D E C I S I O N :---

It appears from the record herein that on April 17, 1901, Henry Brown appeared before this Commission, at Fort Gibson, Indian Territory, and made application for the enrollment of his mother, Fanny Lowery, as a Cherokee freedman. Additional proceedings were had in the matter of said application, at Muskogee, Indian Territory, on November 12, 1904.

Although ample opportunity has been afforded said applicant, to establish by satisfactory evidence, her right to enrollment, as a Cherokee freedman, she has failed to do so.

The applicant is not identified upon the 1880 Authenticated Cherokee Roll.

It is therefore the opinion of this Commission, that following the ruling of the Department in the cases of Eliza Bryant, et al., (I.T.D. 544-1904), William Rector, (I.T.D. 1468-1904), Minnie Duncan, et al., (I.T.D. 1470-1904), Samantha Chambers, (I.T.D. 2296-1904), Ed Williams, (I.T.D. 4230-1904), Martha Albert, et al., (I.T.D. 4722-1904) and Moses Ross, (I.T.D. 6056-1904), the application made for the enrollment of Fanny Lowery, as a Cherokee Freedman, should be denied under the provisions of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Chairman.

  
Commissioner.

  
Commissioner.

Muskogee, Indian Territory,

MAY 5 1905

Cherokee Freedman D-95

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I.T., NOVEMBER 18, 1904.

SUPPLEMENTAL PROCEEDINGS in the matter of the application for the enrollment of Fannie Lowry as a Cherokee Freedman.

On October 13, 1904, Henry Brown was notified by registered mail, and on October 26, 1904, the attorneys for the Cherokee Nation were notified by letter, that the application for the enrollment of Fannie Lowry, mother of Henry Brown, as a Cherokee Freedman, would be taken up by the Commission to the Five Civilized Tribes, at its offices in Muskogee, Indian Territory, on the 18th day of November, 1904, at which time an opportunity would be given both the applicant and the attorneys for the Cherokee Nation to introduce any testimony they might desire affecting said application, at which time the case would be taken up for final consideration. Receipt has been acknowledged of the Commission's letter.

Now on this 18th day of November, 1904, this cause coming on to be heard pursuant to said notice, said applicant being called failed to appear, either in person or by attorney, and the Cherokee Nation appearing by its attorneys, Bell, Hastings & Davenport, submits this case upon the evidence now of record.

-0-0-0-0-0-0-0-0-0-0-

H. M. Vance, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 18th day of November, 1904, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

*H. M. Vance*

Subscribed and sworn to before me this 15 day of December 1904

*Charles H. Sawyer*

Notary Public



F D 95 Fannie Lowrey  
Or Henry Brown Agt  
Vian I. T.

7090

INDIAN TERRITORY,  
CHEROKEE NATION.

I hereby certify that I served the with-  
in notice on Henry Brown  
Agent for Fannie Lowrey  
by delivering a true copy thereof on the  
6th day of Sept A. D. 1901.

Given under my hand this 6th  
day of Sept A. D. 1901.

John Parks  
Marshal for Cherokee Nation.

I, the undersigned attorney for the  
within named applicant hereby accept  
service of the within notice on this the  
..... day of ....., 1901.

Attorney for applicant.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a  
true copy of the within notice to.....

on the..... day of..... A. D. 1901

Subscribed and sworn to before me  
this..... day of..... A. D. 1901.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED  
SEP 7 1901

[Signature]  
Acting Chairman

96- Henry Lowrey made & filed

with

# NOTICE!

IN THE MATTER OF The application of Fannie Lowrey  
for enrollment as a Cherokee Freedman:

Case No. F. D. 95

To Fannie Lowrey or Henry Brown her Agent Vian I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Port Gibson Indian Territory, on the following dates, to-wit: September 7th at 2 o'clock A. M. A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 6th day of Sept., 1901.

L. B. Rouse

Attorneys for the Cherokee Nation.

Cherokee Freedmen

D-95.

Muskogee, Indian Territory, July 5, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Henry Brown for the enrollment of Fannie Lowry, as a Cherokee freedmen, you are advised that before the Commission can render a final decision in this case, it will be necessary that further testimony be introduced as to whether or not the said Fannie Lowry returned to the Cherokee Nation ~~after~~ the war within the time provided in the Treaty of 1866.

The applicant, Henry Brown, has therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory at 9 o'clock A. M. on Wednesday, July 27, 1904, and introduce testimony as above indicated. The Commission has especially requested the testimony of both Henry Brown and Katie Lowry. The Cherokee Nation will be permitted to appear on that date and introduce such testimony as may be desired in rebuttal of that offered by the applicant.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen  
D-98.

Muskogee, Indian Territory, July 5, 1904.

Henry Brown,

Vian, Indian Territory.

Dear Sir:

In the matter of your application for the enrollment of Fannie Lowry, as Cherokee freedman, you are advised that before the Commission can render a final decision in this case, it will be necessary that further testimony be introduced tending to show whether or not the said Fannie Lowry returned to the Cherokee Nation after the war, within the time provided in the treaty of 1866.

You are, therefore, hereby, directed to appear before the Commission at its offices in Muskogee, Indian Territory, at 9 o'clock A.M. on Wednesday, July 27, 1904, and introduce testimony as above directed. It is especially desired that testimony of both yourself and Katie Lowry be furnished.

Respectfully,

Commissioner in Charge.

Register.

(Copy)

Cherokee Freedmen  
D-95.

Muskogee, Indian Territory, July 23, 1904.

Henry Brown,

Vian, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of July 17, stating that you have received the Commission's letter requesting further testimony in the application for the enrollment of Fannie Lowery as a Cherokee freedman. You state that the said Fannie Lowery is dead, and you ask if you should appear on the date set for a further hearing in this case.

In reply you are requested to appear before the Commission at its offices in Muskogee, at nine o'clock A. M. on Wednesday, July 27, 1904, and introduce such testimony as you may be able to procure touching the points mentioned in the Commission's former letter.

Respectfully,

Commissioner in Charge.



(Copy)

Cherokee Freedmen  
D-95.

Muskogee, Indian Territory, August 10, 1904.

Henry Brown,

Vian, Indian Territory.

Dear Sir:

In the matter of your application for the enrollment of your mother, Fannie Lowry, as a Cherokee freedman, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced tending to show when your said mother returned to the Cherokee Nation after the close of the war of the rebellion.

You are therefore hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Friday, September 16, 1904, and introduce the testimony of such witnesses as you may be able to procure, touching on the points above mentioned.

Respectfully,

Commissioner in Charge.

Register.

(copy)

Cherokee Freedmen  
D-95.

Muskogee, Indian Territory, October 13, 1904.

Henry Brown,

Vian, Indian Territory

Dear Sir:

In the matter of your application for the enrollment of your mother, Fannie Lowry, as a Cherokee Freedman, you are advised that this case will be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A.M., on Friday, November 18, 1904, at which time you will be permitted to appear and introduce such testimony as you may desire in support of said application.

Respectfully,

(Signed) T.B. NEEDLES,  
Commissioner in Charge.

Register.

COPY

Cherokee Freedman  
D-95.

Muskogee, Indian Territory, November 28, 1904.

Henry Brown,

Vian, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of November 13, relative to the enrollment of your mother, Fannie Lowrey, as a Cherokee freedman.

In reply, you are advised that this case was taken up for final consideration on November 18, 1904, and there being no appearance on behalf of the applicant on said date, said case was closed and will be considered by the Commission upon the testimony now of record. When a decision has been prepared you will be furnished with a copy.

Respectfully,

(SIGNED) *T. B. Needles*  
Commissioner in Charge.

COPY

Cherokee Freedmen

B 95.

Muskogee, Indian Territory, May 5, 1905.

Henry Brown,

Vian, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the record of proceedings had in the matter of the application for the enrollment of your mother, Fannie Lowery, as a Cherokee freedman, together with a copy of the Commission's decision dated May 5, 1905, rejecting said application.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED, *T. B. Needles*,  
Commissioner in Charge.

Incl. B-112  
Register



COPY.

Cherokee Freedmen

D 95,

Muskogee, Indian Territory, May 5, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 5, 1905, rejecting the application for the enrollment of Fannie Lowery as a Cherokee freedman.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED: *T. B. Needles*  
Commissioner in Charge.

Incl. 3-113



COPIES  
Cherokee Freedmen  
D 96.

Muskogee, Indian Territory, May 5, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Fannie Lowery as a Cherokee freedman, including the Commission's decision dated May 5, 1905, rejecting said application.

Respectfully,

SIGNED: *T. B. Needles.*  
Commissioner in Charge.

Incl. 8-114

Through the

Commissioner of Indian Affairs.

Land.  
35177-1905.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

May 12, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated May 3, 1905, transmitting the record of the application for enrollment as a Cherokee Freedman by Fanny Lowery.

May 3, 1905, the Commission decided adversely to the applicant.

The record shows that although afforded ample time and opportunity the applicant has failed to establish her right to enrollment as a Cherokee Freedman. Her name is found upon the Kerns-Clifton roll, but no other of the Cherokee Nation.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M.N.W.  
V.

D.C. 46563-1906.  
I.T.D. 5454-1906.  
LRS

C.R.  
LLB

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

October 5, 1906.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

May 5, 1906, the Commission to the Five Civilized Tribes transmitted the record of the application of Henry Brown for the enrollment of his mother, Fanny Lowery, as a Cherokee freedman, including the decision of the Commission dated May 5, 1906, denying said application.

May 12, 1906, the Acting Commissioner of Indian Affairs reporting thereon, recommended that the decision of the Commission denying said application be affirmed. A copy of his letter is inclosed.

The Department concurs in the recommendation made and the decision of the Commission to the Five Civilized Tribes dated May 5, 1906, denying the application of Henry Brown for the enrollment of his mother, Fanny Lowery, as a Cherokee freedman is hereby affirmed.

Respectfully,

1 inclosure.

(Signed) Thos Ryan  
Acting Secretary.

Cherokee Freedmen

D-95.

COPY:

Muskogee, Indian Territory, October 12, 1905.

Henry Brown,

Vian, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 5, 1905, rejecting your application for the enrollment of your mother, Fanny Lowery, as a Cherokee freedman, was affirmed by the Secretary of the Interior on October 5, 1905.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

SIGNED:

Incl. S-104

*Wm. J. Crowl*  
Commissioner.

Cherokee Freedmen

D-95.

COPY.

Muskogee, Indian Territory, October 12, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 8, 1905, rejecting the application for the enrollment of Fanny Lowery as a Cherokee freedman, was affirmed by the Secretary of the Interior on October 5, 1905.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

RECEIVED

*Fannie Lowery*

Commissioner.

Incl. S-105



COPIED IN REPLY TO THE FOLLOWING:  
**Cherokee Freedmen**  
B-208

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 24, 1906.

Samuel Lowry,

Winn, Indian Territory.

Dear Sir:-

You are hereby advised that the motion filed by your attorneys September 7, 1905, for a review in your Cherokee Freedmen enrollment case, was dismissed by the Department May 2, 1906.

Respectfully,

W. O. Beall

Acting Commissioner

ENC

Waskagee, Indian Territory, May 26, 1906.

Miss A. Bulger,

Attorneys for Eliza A. Arnold, et al.,  
Vinita, Indian Territory.

Gentlemen:

You are advised that this office is in receipt of Departmental letter of May 2, 1906, a copy of which is enclosed herewith, denying motions filed by you September 7, 1905, for review in the Cherokee Freedmen enrollment cases of Eliza A. Arnold and others named in said letter.

Respectfully,

Commissioner.

EDP

Muskogee, Indian Territory, May 29, 1904.

Ball, Hastings & Davenport,  
Attorneys for Cherokee Nation,  
Vinita, Indian Territory.

Dear Sir:-

You are advised that this office is in receipt of Departmental letter of May 8, 1903, a copy of which is enclosed herewith, denying motions by Elise A. Bulger, filed September 7, 1903, for review in the Cherokee Freedmen enrollment cases of Elise A. Arnold and others named in said letter.

Respectfully,

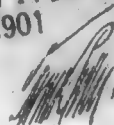
Commissioner.

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DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
FILED  
APR 17 1901



ACTING CHAIRMAN

CHEWOKEE FREEDMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date APR 17 1901

Post Office Vian

District Ill

1. Name

Age

Owner's name

Citizenship

Year

Page

No.

District

Parents:

Father

Citizenship

Mother

Citizenship

(1) Name of wife Fannie Lowry

Age 80

Owner's name Jim Lowry

Citizenship Cherokee

Year K.C.

Page 136

No. 3380

District Ill

Parents:

Father

Citizenship

Mother

Citizenship

Names of Children:

- |     |      |      |     |       |
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| 3.  | Year | Page | No. | Dist. |
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| 10. | Year | Page | No. | Dist. |
| 11. | Year | Page | No. | Dist. |
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Application made by Henry Brown

Stenographer Rena J.O.

(1) a K.C. Roll "Fannie Lowry"

*Handwritten signature/initials*

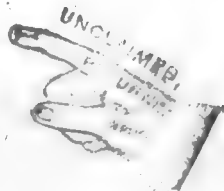




Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



Fannie Lowry,

~~\_\_\_\_\_~~ Lowry.

JK-458

Cher. Fr. R. 459

Trans. C. F. D. 951

Cher. Fr. R. 459

Cherokee Freedmen D 951

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of  
Serina Brown et al., as Cherokee Freedmen.

-1-

O R D E R.

It is ordered that copies of the testimony taken at  
Nowata, Indian Territory, June 29, 1901, in the application of  
John H. Brown, for enrollment as a Cherokee Freedman, Case No.  
R 402, its decision rendered by this Commission on March 6, 1904,  
denying said application, and of Departmental letter of June 23,  
1904, affirming said decision, be filed with, and made a part  
of the record in the application of Serina Brown et al., for en-  
rollment as Cherokee Freedmen, Case No. D 951.

Tame Dixby.

Commissioner

Muskogee, Indian Territory,  
this SEP 13 1904

SEP 3 1901  
FBI 1-1-10

Q That's when you have been trying here in a good many other cases? A Since we have been here you told me that.  
Q You wanted to find out if didn't you Jim? A No, I didn't particular.

Com'r Needles: The applicant applies for the enrollment of herself and seven children, to-wit: Robert, Jessie, Linwood, Mabel Lucile, Sawmie and Mamie Smith; her name cannot be identified upon any of the rolls of the Cherokee Nation; but she avers that she drew money in the payment known as the Wallace payment, but her name cannot be found upon that roll; neither can the name of any of her children be identified upon the rolls of the Cherokee Nation; she avers that she is a child of Fannie Sanders, and that Fannie Sanders was a slave of one Nick Sanders, a Cherokee; she avers that she is now married to one James Smith, a non-citizen; as to her citizenship reference is made to the testimony; said Queeny Smith and her said children will now be listed for enrollment as Cherokee freedmen on a doubtful card, awaiting for their consideration of the Commission; she will be notified by mail of the action of the Commission in the premises; from the fact that the names of her children are not found upon the rolls of the Cherokee Nation it will be necessary for her to make satisfactory proof as to their birth.

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M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) M. D. Green.

Subscribed and sworn to before me this June 28, 1901.

(Signed) T. J. Needles,  
Commissioner.



To be filed with case of Serina Brown, C. F. D. #951.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
NOWATA, I.T., JUNE 20, 1901.

In the matter of the application of Queeny Smith for the enrollment of herself and seven children as Cherokee freedmen; being sworn and examined by Commissioner Needles, she testified as follows:

APPEARANCES:

Jo. Sequichie, for the applicant, Agent.  
W. W. Hastings, for the Cherokee Nation.

- Q What is your name? A Queeny Smith.  
Q How old are you? A 41.  
Q What is your post office address? A Claremore.  
Q You apply to be enrolled as a Cherokee freedman? A Yes, sir.  
Q Who do you want to enroll besides yourself? A Myself and ten children.  
Q Are they all under age? A Some of them is.  
Q Give me the names of those that are not married and under age?  
A Robert Smith.  
Q How old is he? A 13.  
Q Well, what is the next one? A Jessie Smith.  
Q How old is she? A 11.  
Q Next one? A Linwood.  
Q How old is Linwood? A 9 years old.  
Q Next one? A Mabel Smith.  
Q How old is Mabel? A Five years old.  
Q Next one? A Lucile Smith.  
Q How old is she? A 4 years old.  
Q Next one? A Sawnie Smith.  
Q How old is Sawnie? A Three years old.  
Q Next one? A The baby, one year old.  
Q What is the name? A Mamie.  
Q That's seven? A Yes, sir.  
Q You have got three married? A Yes, sir.  
Q What was your husband's name? A Jim Smith.  
Q Is he a citizen? A No, sir.  
Q You don't apply for him then? A No, sir.  
Q Is he known as a State man? A Yes, sir.  
Q Where is he? A At Claremore.  
Com'r: You had better apply for him too.  
Q Is your name on the roll of 1880? A No, sir.  
Q On any of the rolls of the Cherokee Nation? A On the Wallace roll.  
Q You never drew any strip money? A No, sir.  
Q What was your father's name? A I don't know sir.  
Q What's your mother's name? A Fanny Sanders.  
Q Is your mother living? A No, sir.  
Q Were you a slave? A Yes, sir, I guess I was.  
Q Was your mother a slave? A Yes, sir.  
Q Who did she belong to? A Nick Sanders.  
Q Was he a Cherokee? A Yes, sir.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not found;

1896 census roll of citizens of the Cherokee Nation examined and applicants not found;

Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicants not found;

Wallace roll of citizens of the Cherokee Nation examined and applicants not found.

- Q Did you ever go by any other name? A They called me sometimes Rachel Sanders, nickname.

Q Were you ever married to anybody but Smith? A No, sir.

Q He your first husband? A Yes, sir.

BY MR. SEQUICHIE: What was your maiden name, Sanders? A Yes, sir.

Q Which is your right name, Rachel or Quenny? A Quenny is my right name.

Q What is the name of your mother? A Fanny Sanders.

Q Is she living? A No, sir.

Q How long has she been dead? A I couldn't exactly tell you I was so young when she died.

Q How old are you? A I am 41.

Q Do you remember when your mother and yourself belonged to Nick Sanders? A No, sir, I can't remember good when my mother belonged to Nick Sanders.

Q Did you live in the Cherokee nation continuously from the time you remember? A Yes, sir.

Q Never was out? A Never was out.

Q Can you give any reason why you were not on the roll of 1880?

A No, sir.

Q Where were you living at that time? A I was staying with Dr. McAlester at Illinois station, working for him, Dr. Lindsey was his name.

Q Which was it, Dr. Lindsey or Dr. McAlester? A Dr. McAlester, the one that's gone to the Choctaw Nation now.

Q He is not living at Illinois station now? A No, sir, he owns that big hotel there now.

Q You remember how long you lived there with him? A I worked there until I got big enough to know where I was and I married somewhere close to there.

Q Did you hear anything about the census taking of 1880? A No, sir.

Q Was your mother living then? A No, sir, my mother died when I was little, I can't remember my mother.

Q Where have you lived since? A I have worked for Mr. Bill Foreman.

Q How long did you work for Mr. Foreman? A About 5 or 6 years, I reckon.

Q Does he know anything about your people? A Yes, sir.

Q He knew your mother? A Yes, sir.

Q And who she belonged to? A Yes, sir.

Q How come you to be left off the Kern-Clifton roll, did you apply? A Yes, sir, I made application before the Kern-Clifton roll at Lightning Creek, and they took my money and never taken it down and I went from there to St. Gibson before George F. Hayes and made out affidavit and paid him a dollar to get myself and my children on the roll, and I never heard from it.

Q You didn't draw any money in 1896? A No, sir.

Q Did you have any witnesses? A Yes, sir.

Q Who were you witnesses when you made the application before the Kern and Clifton roll in 1896? A Mr. Foreman and Gus Parker and aunt Susan Cobb.

Q Where do you live now? A Claremore.

Q You say your husband is living? A Yes, sir.

Q What condition is he in? A He is down with the heart disease.

BY MR. HASTINGS: Is he a state man? A Yes, sir.

BY COM'R NEEDLES: What is your oldest child's name?

A Lillie Sanders.

Q Did she draw her Wallace money under the name of Lillie Sanders?

A No, sir, she never drew at all.

Q Did any of you ever draw Wallace money? A I did, I drew 15 dollars.

Q Did you draw for any of the children? A No, sir.

BY MR. SEQUICHIE: Who were you living with at that time when you drew the Wallace money? A I wasn't living with nobody, I was living up and down the railroad; my man was a railroad man.

Q What was his name? A Jim Smith.

BY MR. HASTINGS: Same man you have got now? A Yes, sir.

Q you knew about, told about Zack Foreman when you testified before?

A Bill Foreman.

Q Didn't you know Zack Foreman, of Sequoyah district? A I don't recollect that I spoke about Zack, I know Bill.

Q Didn't you testify before that you went to Zack Foreman's and worked for him before the war? A No, I didn't testify nothing like that, I don't recollect I know Bill.

Q Didn't you testify you stayed with Zack Foreman about 15 years?

A No, sir.

Q And that you come from there to Illinois station? A No, sir.

Q When was Bill Foreman living when you were staying with him?

A I can't exactly recollect, but I think it was on Caney.

Q Up on Caney? A Yes, sir, in Flint.

Q Was Bill Foreman a Cherokee man? A Yes, sir.

Q You called him in to testify for you? A Yes, sir.

Q And he said he had known you about 25 years, that was in 1896?

A Maybe it was in that time, I can't recollect.

Q Now what we want to know is your whereabouts when you can first remember, directly after the war? A I can't remember, you will have to go to my witnesses.

Q You must tell me yourself where you were when you can first remember? A I was at Illinois station.

Q Did you live there in the town when you can first remember?

A Yes, sir.

Q The valley train run along by there at that time? A Yes, sir.

Q That's when you can first remember? A Yes, sir, that's where I was.

Q There was a doctor stationed there then? A Yes, sir.

Q And that was down in Illinois district? A I reckon.

Q Close to Webbers Falls? A Yes, sir.

Q Was it across the river from Webbers Falls? A Yes, sir, just across the river.

Q You wasn't married then? A I think I was.

Q You think you were married when you can first remember?

A After I come and married this railroad man I was.

Q Where did you marry him? A I married him down there below Vian.

Q Had you been living at Illinois Station before that? A Yes, sir.

Q How long had you been living at Illinois Station before you married? A Oh my God, I lived there a long time.

Q Don't you remember where you came from when you went to Illinois Station? A I was traveling around through there, my mother was dead, and I had nobody to protect me, and after I left Mr. Foreman I had no home.

Q You said when you could first remember you was living at Illinois Station, when you were first old enough to remember, how long did you live there? A I couldn't tell you.

Q Did you stay with that Dr. McAlister there all the time?

A I stayed right there in the year with the white folks all the time.

Q On which side of the railroad did he live? A The town is sitting on this side.

Q On the east side? A Yes, sir, right near a little town.

Q He had that big hotel right up in the middle part of the town.

Q And that's where you stayed with him, at that hotel?

A Yes, sir.

Q And there is where you can first remember? A When I first went to know anything, I stayed there a year after I married.

Q Before you went to this Doctor's were you on Illinois river?

A I guess I think if I could go to counting back.

Q That's the first you can definitely fix yourself is it?

A Yes, sir.

Q Now where was Lillie Smith born? A Lillie was born up on Caney.

Q Where was that? A On Flint, way up here somewhere, Caney river where is Caney River?



Q Well there is a number of Caney's? A It was close to Nick Sanders's place.

Q Where did you first see Charley Chambers? A I seen him often and onevery time I would be up on Big Creek.

Q Did you see him on Big Creek first? A I don't recollect where I first saw him, but I know I have seen him in passings, and he has knowed me before I could recollect myself.

Q Where was your first recollection now of ever having seen him? A My re collection on Big Creek.

Q Was that after you had lived at Illinois station with this Doctor? A It was beofre that, and then afterwards too.

Q Who was you living with on Big Creek when you saw him? A I wasn't living with nobody; I stayed up there with Aunt Susie Carver.

Q Was that before you were at Illinois Station, or after? A After I went to Illinois and before too, I went backwards and forwards to see her.

Q What sort of house did you live in up there? A In a log house.

Q Who were some of your neighbors up there? A I disremember now, I ain't been up there in se long.

Q Where was Ferina born? A She was born in McCoy district.

Q In McCoy district? A Yes, sir, on the railroad, my husband was a railroad man.

Q Where was Robert born? A On the railroad.

Q What district? A McCoy.

Q Wh at town? A Close to Illinois Station.

Q Where was Jess born? A On Lightning Creek.

Q here was Linwood born? A Lightning Creek.

Q Did you keep house in McCoy district? A Part of the time I did and part of the time I didn't; he was a railroad man.

Q What kind of railroad work did he do? A He layed steel.

Q Where did he lay any steel? A Between here and Ft. Smith.

Q Did you tell me who married you? A I can't think of the man that married me, it was a preacher.

Q You didn't have Charley Chambers as a witness for you before? A Aunt Susie and here, and Bill Foreman either, if they was here they would witness just the same as he would.

Q About how old were you when you first saw charley Chambers? A Oh my goodness I don't know, just to tell you the truth I don't know how old I was.

Q How long have you been living at Claremore? A I have been there a little over two years noe.

Q Where did you come from there? A From Close to Aluwee on the other side of Lightning Creek.

Q How long did you live there? A Six years.

Q Where did you move from to Aluwee? A I moved from Chelsea.

Q How long did you live at Chelsea? A I lived at Chelsea -

Q Where did you move from there? A Claremore.

Q How long had you lived at charemore? A Well I lived at Claremore now often and on.

Q Well then before you went to Chelsea? A I stayed four years.

Q Who brought you up from your earlies infancy, just after the war, who were yo u under the control and charge of? A Mr. Bill Foreman.

Q This Cherokee Bill Foreman? A Yes, sir.

Q Where was he living, up here on Caney? A yes, sir, that's my judgment, he was up here on Caney.

Q When you first remember you was living with him on caney? A Yes, sir, and then I left him and went to Illinois station.

Q How far is this caney from Coffeyville? A I don't know, I never seen Coffeyville in my life; I always traded down on this side on the railroad somewhere.

Q What was the nearest town when you were living at Bill Foreman's?

A I don't know, I never done much trading.

Q You never heard of any town at all? A They would go to town, but it was none of my business what town it was, I never had no money to go with and I never visited.

Q Who were Bill Foreman's neighbors? A I don't know.

Q What kind of a house did he live in? A I don't recollect.

Q Did he have a field? A Yes, sir.

Q Did he keep a store up there? A I disremember.

Q Was there a blacksmith shop there? A Seen like there was, I wont say positive.

Q Bill Foreman have any children up there? A Yes, sir.

Q You don't know what district he was living in? A It must have been in this district, Cooweescoowee.

CHARLEY CHAMBERS, being sworn and examined by Com'r Needles, testified as follows:

Q What is your name? A Charley Chambers.

Q What is your age? A About 70 years old.

Q What is your post office? A Hudson.

Q You are a recognized citizen of the Cherokee Nation?

A Yes, sir.

Q Freedman? A Yes, sir.

BY MR. SEQUICHIE: Do you know Queeny Snaders, Smith? A Yes, sir.

Q How old was she first time you ever knew her? A I guess she was about four or five years old when I first knew her.

Q When did you first know her at? A She was living with Nick Sanders.

Q What was her mother's name? A Fanny.

Q Who did she belong to? A Nick Sanders.

Q Cherokee Indian? A Yes, sir.

Q Where did they live at? A Lived over on Caney.

Q In this district, Cooweescoowee? A Yes, sir, no, sir, not in Cooweescoowee district.

Q Tahlequah district? A Tahlequah district.

Q You say he was about 5 years old when you first knew her?

A Something like that.

Q Was her mother living? A She was living then.

Q That was sometime after the war? A No, sir, that was before the war.

Q Then you remember what year her mother died? A No, sir, I don't

Q Did you see this Queeny Smith here during the war? A No, sir.

Q How long after the war was it you saw her? A Why it's quite a little bit, I never saw her no more after the war until I come up in this part of the country, I come up from Tahlequah in this part of the country.

Q How long ago has that been? A I guess it was al ong somewhere in '70s somewhere along in there I guess.

Q Who was she living with next time you saw her, when you come up from Tahlequah? A She was living with Aunt Susie Colbert.

Q Whereabouts did aunt Susie Colbert live? A She lives up on the Verdigris river, up here I guess about 4 or 5 mi or 6 miles from Coffeyville, about 6 miles from Coffeyville.

Q Is she a freedman? A Yes, sir.

Q About how long ago has that been you say? A I guess it was somewhere in '70.

Q And then have you saw her since? A I saw her one or twice since that, I haven't seen her much after that.

Q Did she live with Susie Colbert continuously, that is, was she living when you heard of her after that, or saw her, was she living with Susie Colbert? A No, sir.

Q Who was she living with? A After that I heard of her living at Claremore.



Q You remember when she married? A No, sir, I don't.

Q You don't remember of her living with William Foreman? A No, sir, no more than just what I heard her say, she said Foreman raised her from a little bit of a child.

Q You know her husband, William Smith? A No, sir, I don't know him at all.

BY COM'R NEEDLES: You know where this woman's children were born?

A No, sir.

Q Where was she born, the applicant? A She was born on Caney.

Q In the Cherokee nation? A Yes, sir.

Q What was her mother's name? A Fanny.

Q You know whether Fanny was taken out of the Cherokee Nation during the war? A I don't know where she went, when I went away I left her there on Caney with Nick Sanders.

Q Where did you see her the next time? A I never seen her any more.

Q She died before you saw her? A Yes, sir.

Q Where did you see the applicant right after the war?

A With aunt Gusie Colvert.

Q Up in the '70s somewhere? A Yes, sir.

Q You don't know whether she came back in '66 or not?

A No, sir, I don't.

Q You don't know whether her mother came back then? A No, sir.

MR. HASTINGS, waives examination.

JIM ALBERTY, being sworn and examined by Com'r Needles, testifies as follows:

Q Your name is Jim Alberty? A Yes, sir.

Q What is your age? A 70.

Q What is your post office? A Chouteau.

BY MR. SEQUICHIE: Do you know Queensy Smith? A Yes, sir, not exactly by that name though.

Q By what name did you know her? A Queensy Sander ought to be her name.

Q How long have you known her? A She was that high when I first saw her. (Indicating.)

Q Com'r Needles: How long have you known her? A I knowed her ever since the war, it has been ever since 1866.

Q Mr. Sequichie: Did you know her before the war?

A No, sir.

Q Did you say you knew her in '66? A Yes, sir.

Q First time you ever saw her? A Yes, sir.

Q Where was she at? A She lived on Four Mile Branch, That is, her mother did.

Q Was she living with her mother then? A Yes, sir, she was right with her mother.

Q Did you know her mother, Fanny Sanders? A Yes, sir.

Q Did you know her before the war? A Yes, sir, I did.

Q Did you know whether she was then out of the Cherokee Nation during the war or not? A No, sir, I don't know.

Q This applicant was living with her mother, Fannie Sanders, in '66 when you first knew her? A Yes, sir.

Q Have you known anything about her, of where she lives since then, A No, sir.

Q How often have you seen her since? A I saw her I reckon it has been a year ago in Claremore.

Q Was she married then? A Well I never asked her that.

Q You don't know whether she was married or not? A No, sir.

Q You knew her by the name of Queensy Sanders when you knew her?

A Yes, sir.

BY COM'R NEEDLES: You knew her mother? A Yes, sir.

Q Was her mother a slave? A Yes, sir.

Q Who did she belong to? A Nick Sanders.

- Q He was a Cherokee? A Yes, sir.
- Q You don't know whether this woman and her mother went out of the Nation during the war or not? A No, sir.
- BY MR. HASTINGS: Where did you live before the war?
- A I lived at John Alberty's.
- Q Where did he live? A Here on Pryor Creek at the old toll bridge.
- Q Where did Nick Sanders live? A He lived at Tahlequah.
- Q This side of the town or the other? A The other.
- Q How far? A It was way the other side, on Caney.
- Q How far was that from John Alberty's? A That was 35 or 40 miles.
- Q How did you know this girl before the war? A No, sir.
- Q Did you know her mother before the war? A Yes, sir.
- Q How long before the war was it you knew her mother?
- A I don't know how long, but when I was quite a young man.
- Q About how many years before the war? A I can't tell you that.
- Q You saw her after the war did you? A Fanny?
- Q Yes? A Yes, sir.
- Q That was this girl's mother? A Yes, sir.
- Q What was this girl's father's name? A I don't know her father.
- Q Who was her mother living with when you saw her after the war?
- A She was just a widow by herself.
- Q Keeping house? A Yes, sir, she was in a house.
- Q Where was the house? A Down on Four Mile Branch as you go towards Ft. Smith.
- Q How far from Ft. Gin on? A It was four miles I think they call that.
- Q Four Miles South? A South-east rather.
- Q Fannie Sanders on a place in there? A I don't know.
- Q What was you doing out there? A I went there to see Fanny.
- Q What were their names? A I don't know, I never paid no attention to that, I can't tell my neighbors children, all of them.
- Q But you remembered this one? A Yes, sir.
- Q Why wouldn't you remember the others? A Because her name is familiar, Queeny, she was the biggest I saw there.
- Q A out how old was she? A Well she may have been 5 or 6 years old, she may have been.
- Q How many more children did you see around there?
- A I saw two or three.
- Q Boys or girls? A I don't know, they wore dresses.
- Q What sort of house did she live in? A Little old log hut.
- Q That in the spring or summer or fall? A Spring, summer and fall too.
- Q All all ong? A Yes, sir, I went there pretty often.
- Q How long did you know Fanny Sanders after that? A I ~~know~~ never knowed her very long after I quit going to Gibson, I never seen her no more, she died down there.
- Q About when did she die? A I can't tell that, I don't know.
- Q You were a married man at that time? A No, sir.
- Q When did you marry after the war? A I married, it may have been two or three years, I can't tell exactly.
- Q Where were you living in '66? A Down at the Nancy Markham place, right east of Chawtau, right in 20 feet of the big road.
- Q And you never saw this woman any more until you saw her at Claremore? A No, sir.
- Q You never knew she was married? A No, sir.
- Q How long has it been since you saw her at Claremore?
- A It has been a year.
- Q From '66? up to Claremore you never saw her any more?
- A Not from '66, after I quit going to Gibson.
- Q How long was that after the war? A Two or three years.
- Q What year did we hold the Kern-Clifton Commission? A You told me it was in 1896.

COMMISSION TO THE FIVE CIVILIZED TRIBES  
RENEWAL OF INDIAN

454 3 1891  
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Q That's when you have been testifying here is a good many other cases? A Since we have been here you told me that.  
Q You wanted to find out didn't you Jim? A No, I didn't particular.

Com'r Needles: The applicant applies for the enrollment of herself and seven children, to-wit: Robert, Jessie, Linwood, Mabel Lucile, Sawnie and Mamie Smith; her name cannot be identified upon any of the rolls of the Cherokee Nation; but she avers that she drew money in the payment known as the Wallace payment, but her name cannot be found upon that roll; neither can the name of any of her children be identified upon the rolls of the Cherokee Nation; she avers that she is a child of Fannie Sanders, and that Fannie Sanders was a slave of one Nick Sanders, a Cherokee; she avers that she is now married to one James Smith, a non-citizen; as to her citizenship reference is made to the testimony; said Queeny Smith and her said children will now be listed for enrollment as Cherokee freedmen on a doubtful card, awaiting for their consideration of the Commission; she will be notified by mail of the action of the Commission in the premises; from the fact that the names of her children are not found upon the rolls of the Cherokee Nation it will be necessary for her to make satisfactory proof as to their birth.

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M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.  
(Signed) M. D. Green.

Subscribed and sworn to before me this June 28, 1901.  
(Signed) T. B. Needles,  
Commissioner.

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J. O. Rosson, being duly sworn, says that as Stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript in the above case.

*J. O. Rosson*

Subscribed and sworn to before me this August 31st, 1901.

*T. B. Needles*

Commissioner.

( C O P Y )

To be filed with C. F. D. #51

Department of the Interior,  
Commission to the Five Civilized Tribes.  
Nowata, I. T. June 29, 1901.

In the matter of the application of John H. Brown for the enrollment of himself as a Cherokee Freedman; being sworn and examined by Commissioner Needles, he testified as follows:

Appearances:

Mr. Smith of Mellette & Smith, for the applicant,  
Mr. Davenport for the Cherokee Nation.

- Q What is your name? A John H. Brown  
Q How old are you? A 36  
Q What is your postoffice address? A Aluwee.  
Q What district do you live in? A Cooweescoowee.  
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir  
Q Who do you want to enroll besides yourself? A 2 children

Note: It is found that this applicant's wife enrolled in the forenoon of this day, and enrolled these 2 children.

- Q Your wife has the children? A No sir, she had them at first and she found out she couldn't take care of them as slick as she thought and she brought them to me, and I have had them ever since.
- BY MR. SMITH:
- Q Who is your father? A Charley Brown  
Q Is he the same Charley Brown who applied here this morning for enrollment? A Yes sir.  
Q Have you some brothers? A Yes sir, Charley, Samuel, Washington, and Joseph and Moses, the older one.  
Q Are they the same ones who applied here to-day for enrollment? A Yes sir.  
Q Where do you live? A On Panther Creek.  
Q How long have you lived in the Cherokee Nation? A I have lived here ever since my folks come down here in '66.  
Q How old are you? A I am 36.  
Q You have lived here all your life? A Yes sir.
- BY MR. DAVENPORT:
- Q Never lived anywhere else? A No sir.  
Q Been living on Panther Creek all the time? A No sir.  
Q What part of the Cherokee Nation were you living when you first recollect? A Somewhere about Gooseneck Bend I think.  
Q How big was you when you was living in Kansas? A I wasn't never in Kansas, not since I was a baby, in the year '65  
Q You were born when? A In '65  
Q And have lived here ever since? A Yes sir.
- BY COMR. NEEDLES:
- Q What is your wife's name? A My wife I used to have is named Sevina  
Q What's your wife's name now? A I aint got ary one now.
- BY MR. SMITH:
- Q Are you on the Kern-Clifton roll? A No sir, I am on the Wallace and I suppose I am on the 1896 census roll.

Wallace roll of citizens of the Cherokee Nation examined and applicant identified on  
Page 102 # 2172 John H. Brown, Cooweescoowee District  
1896 census roll of citizens of the Cherokee Nation examined and applicant not found;  
1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not found.



Com'r. Needles: John H. Brown applies for the enrollment of himself; he cannot be identified upon the rolls of the Cherokee Nation in the possession of the Commission, except the Wallace roll; he makes satisfactory proof as to residence as to his citizenship reference is made to the testimony taken in the application of his father, Charles Brown, listed for enrollment on D card 952, the testimony taken in the matter of the application of said Charles Brown will be made a part of the record in the case at bar, and a copy thereof filed herewith; and said John H. Brown will now be listed for enrollment as a Cherokee Freedman, on a doubtful card; he will be notified by the Commission at his postoffice address of their decision in the premises.

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M. D. Green, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) M. D. Green

Subscribed and sworn to before me this July 13, 1901.

(Signed) T. B. Needles  
Commissioner

Lucy M. Bowman, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the foregoing copy and that the same is a true and correct copy of the original transcript.

(Signed) Lucy M. Bowman

Subscribed and sworn to before me this 13th day of September, 1904

(S E A L )

(Signed) Wm. T. Martin  
Notary Public

Lucy M. Bowman, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the above and foregoing copy, and that the same is a full, true and correct copy of the document now on file with the Commission to the Five Civilized Tribes.

*Lucy M. Bowman*

Subscribed and sworn to before me this 10th day of January, 1905

*Charles H. Sawyer*  
Notary Public



121  
Serina Brown, et al.--4.

Q Have you been supported by them? A Yes, sir.  
Q Has their father given them anything? A He ain't give them  
nothing since we have been here.  
Q You have always had them in your charge? A Yes, s r.

COM'R HENRY L. SERINA Brown applies for the enrollment  
of herself and two children, Della and Debbie. She can not  
be identified upon any of the rolls of the Cherokee Nation  
now in the possession of this Commission. She avers that  
she is a child of James Smith and Queen Smith and said  
Queen Smith has been listed for enrollment on doubtful  
card #779. The name of her mother cannot be found upon  
any of the rolls of the Cherokee Nation. She avers that  
she was married to one John Brown, from whom she has se-  
parated. Said Serina Brown will be listed for enrollment  
as a Cherokee Freedman upon a doubtful card. Her children,  
Della and Debbie will also be listed for enrollment as  
Cherokee freedmen upon a doubtful card when filed with  
this Commission satisfactory proof of their  
birth. The testimony taken in the case of her mother, Queen  
Smith, D.#779, will be made part of the record in the case  
at bar and a copy thereof filed herewith. Said Serina Brown  
will be notified by mail of the action of the Commission  
in the premises.

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J. O. Rosson, being first duly sworn, states that as stenog-  
rapher to the Commission to the Five Civilized Tribes, he correctly  
recorded the testimony and proceedings in this case, and that the  
foregoing is a true and complete transcript of his stenographic  
notes thereof.

J. O. Rosson

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
NOWATA, I.T., JUNE 29th, 1901.

In the matter of the enrollment of Serina Brown for the enrollment of herself and two children as Cherokee Freedmen; said Brown being sworn and examined by Commissioner T. B. Needles, testified as follows:

APPEARANCES:

Mr. J. B. Sequichie, Agent for Applicant.

Messrs. Hastings and Davenport, for Cherokee Nation.

Q What is your name? A Serina Brown.  
Q How old are you? A 18.  
Q Your post office address? A Chelsea.  
Q What district do you live in? A Coowasee.  
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.  
Q Who do you want to enroll besides yourself? A Two children.  
Q What are the names of your children? A Della Brown, three years old.  
Q What is the name of the next child? A Debbie Brown.  
Q How old is Debbie? A One years old.  
Q Both girls? A Yes, sir.  
Q Are you married? A Yes, sir.  
Q What is your husband's name? A John Brown.  
Q Are you living with him now? A No, sir.  
Q You are separated? A Yes, sir.  
Q Is he a Cherokee citizen? A Yes, sir.  
Q Freedman? A Yes, sir.  
Q What is your father's name? A James Smith.  
Q Is he living? A Yes, sir.  
Q What is your mother's name? A Queen Smith.  
Q Is she living? A Yes, sir.  
Q Where were you born? A I don't know, sir, where I was born.  
Q Where have you been living all your life? A Well I lived Illinois Station and lived at Chelsea.  
Q Is your name on any of the rolls of the Cherokee Nation?  
A Not as I know of.

Q Never drew any money? A No, sir.

BY MR. SEQUICHIE:

Q What is your mother's name? A Queen Smith.  
Q Where were you the first time you remember? A Illinois Station.  
Q How old were you then? A Oh, I was just about seven or eight years old.  
Q Do you know where you were you went from there? A Yes, sir.  
Q Where did you go? A My mother was cook on the gravel train here about a year.  
Q On what railroad? A On the road here.  
Q How long was she cook on the gravel train?  
A About a year.  
Q Where did you go from Illinois Station? A Chelsea.  
Q Have you lived in the Cherokee Nation continuously from the time you can remember? A Yes, sir.

BY MR. HASTINGS:

Q What is your oldest child's name? A Della Brown.  
Q How old is Della? A She is three years old.  
Q Where were you and Mr. Brown married? A Chelsea.  
Q What preacher married you? A Preacher Young.  
Q How long had you been up to Chelsea when you and Brown married?  
A About three or four years I guess.  
Q Living with your mother? A Yes, sir.  
Q Your father living? A Yes, sir.  
Q What is your father's name? A Jim Smith.  
Q Then you come up to Chelsea about five or six years?  
A It has been longer than that since I came to Chelsea.  
Q Well, about how long? A About nine or ten years ago.  
Q I thought you said you had been living there about three years when you married? A Yes, sir.  
Q Your oldest child is three years old? A Yes, sir.

BY MR. SHERIDAN:

Q Where was your eldest child born? A Born on Grand river.

BY MR. HASTINGS:

Q Your eldest child you saw was born on Grand river? A Yes, sir.  
Q Now, where did you come from to Chelsea? A Came from Illinois Station to Claremore.

Q Now, how long had you been about Claremore before you went out to Chelsea? A We stayed there about six months.

Q With whom did you live? A We lived in Dixey Vann's house.

Q You come from Illinois Station to Claremore?

A Yes, sir.

Q How long did you live at Illinois Station? A I ~~xxxx~~ don't know, I was there when I can recollect.

Q About how old were you when you left Illinois Station?

A About seven or eight years old.

Q First you can remember the train was running along there?

A Yes, sir.

Q Your mother used to work there at the hotel?

A Yes, sir.

Q At Illinois Station? A Yes, sir.

Q And that is the first you can remember? A Yes, sir.

Q Your mother's name is Queen? A Yes, sir.

Q You have been to Dallas Texas? A No, sir.

Q Been to Denison? A No, sir.

Q When did you come up here from Texas? A I don't know that I ever came from Texas.

Q Your mother told you you were born in Texas?

A She never told me.

Q Did you never inquire about your birth? A No, sir.

Q Where was your father from when your mother married?

A From the south some place.

Q Do you know where your mother and father were married?

A No, sir.

Q You never heard your mother say? A No, sir.

Q With whom did you live in Illinois Station? A Lived in a house of our own.

Q Whose house was it? A I don't know; it was ~~some~~ some Indian's house, I don't know whose house it was.

Q You don't know how long you lived down there? A No, sir.

Q You don't know where you come from there? A No, sir.

Q You never heard your mother say? A No, sir, that is my first recollection.

Q You never heard any of your parents say where you had been before that time? A No, sir.

Q You don't want to tell about coming from Texas? A I don't know as I ever have been to Texas, I never heard none of them say.

BY COM'R NEEDLES:

Q Where are these children? A They are out here, Panther Creek staying with my cousin by marriage.

Q What is her name? A Hannah Riley.

Q Why aren't they staying with you? A Because I works out me and my husband together got them to keep them.

Q You and your husband are not living together?

A No, sir.

Q Where is your husband? A He was standing out there a while ago.

Q Has he enrolled these children? A No, sir.

Q Has he been enrolled? A No, sir.

The Tribal Rolls of Freedmen of the Cherokee Nation examined and name of applicant not found on any of them.

BY MR. SHERIDAN:

Q Who has had charge of these children? A I have.

Serina Brown, et al.--4.

Q Have you been supporting them? A Yes, sir.

Q How much money have you spent for the support of them?

Q Has their father give them anything? A He ain't give them a thing since we have been married.

Q You have always had them in your charge? A Yes, a t.

COM'R NEEDLES: Serina Brown applies for the enrollment of herself and two children, Della and Debbie. She can not be identified upon any of the rolls of the Cherokee Nation now in the possession of this Commission. She avers that she is a child of James Smith and Queen Smith and said Queen Smith has been listed for enrollment on doubtful card #779. The name of her mother cannot be found upon any of the rolls of the Cherokee Nation. She avers that she was married to one John Brown, from whom she has separated. Said Serina Brown will be listed for enrollment as a Cherokee Freedman upon a doubtful card. Her children, Della and Debbie will also be listed for enrollment as Cherokee freedmen upon a doubtful card when filed with this Commission satisfactory proof of their birth. The testimony taken in the case of her mother, Queen Smith, D.#779, will be made part of the record in the case at bar and a copy thereof filed herewith. Said Serina Brown will be notified by mail of the action of the Commission in the premises.

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J. Q. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. Q. Rosson

Subscribed and sworn to before me this 16th day of July, 1901.



Commissioner.

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- Q Do you know Charley Chambers? A Yes sir.
- Q Did he tell you that he had sworn this girl in? A No sir.
- Q Did he say anything about testifying in this case? A No sir.
- Q You had no talk about that? A He thought that I was the girl.
- Q What did he say? A He shook hands with me this morning and asked me how I was and I said I was well and I asked him how he was and he said he was well, and he asked my how my folks was and I said they was well and I asked him how his folks was and he said they was well, and I asked him if the woman there with him was his wife and he said no, there was a rather large woman standing there with him.
- Q Well now we don't care about all that, did he say anything to you about this case? A No sir I don't think he did, he thought I was the girl.
- Q How do you know? A He shook hands with me and called me that name Queenie Smith? A No, Rachel, he thought I was Rachel.
- Q Where did this Nick Sanders live before the war, the owner of Fannie? A On Caney.
- Q In the Cherokee Nation? A Yes sir.
- ( By Sequichie )
- Q You mean that Charley Sanders shook hands with you and called you Rachel? A Yes sir.
- Q How old were you when the war come up? A I don't know my age exactly about ten years old I guess.
- Q How many slaves did Nick Sanders own? A I can tell you the names if you will give me time.
- Q How many families? A Only one family, only one family of people, and that was the one that I belonged to.
- Q You don't know whether this Fannie has a child by the name of Queenie or any other name? A No sir she didn't have one by that name, she only had two girls, one named Sallie and one Rachel.
- Q Did you ever live around close to Illinois Station? A No sir.
- Q Never lived there at all? A No sir.
- ( By Hastings )
- Q You are a recognized citizen of the Cherokee Nation? A Yes sir.
- Q On the 1880 roll? A Yes sir.

=====

This testimony will also be filed in Cherokee Freedman Doubtful Card, No. 951.



Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I. T. October, 8th 1901

SUPPLEMENTAL TESTIMONY in the matter of the application of Queenie Smith, C. F. D. #779

Appearances:

W. W. Hastings for the Cherokee Nation.  
Joseph R. Sequichie, agent for the applicants.

PATSY JOHNSON, being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation:

( By Hastings )

- Q What is your name? A Patsy Johnson.  
Q How old are you? A Mrs. Johnson? A About 52.  
Q Where do you live? A I live about two miles or two and a half miles on the other side of Four Mile Branch towards Tahlequah.  
Q How far from Fort Gibson? A 7 miles.  
Q What was your mother's name? A Mary Sanders.  
Q Who did she belong to? A Nick Sanders.  
Q You can remember before the war? A Yes sir.  
Q Did he own any other colored woman, one named Fannie? A Yes sir, my mother's sister.  
Q Where did she live after the war? A First at Fort Gibson and then went to Fort Scott and then back to Fort Gibson.  
Q Who did she marry? A A soldier named Isaac Cornish.  
Q She then went by the name of Fannie Cornish? A Yes sir.  
Q Did your mother's sister have any children? A Yes sir.  
Q What became of them? A All died except a boy.  
Q What is its name? A John Sanders, they called him Sanders.  
Q Where is Fannie Sanders or Cornish? A She is dead.  
Q When did she die? A Nine years ago.  
Q Where did she die? A Four miles from where I live.  
Q Have you known her from your birth until her death? A Yes sir.  
Q You lived with her and by her? A Yes sir.  
Q Was that the only Fannie that Nick Sanders owned before the war? A Yes sir.  
Q What were the names of these children that died? A Sallie, Rachel and Dave, who got killed time of the war, Sallie died time of the war; there were two girls and one boy.  
Q Did you know one by the name of Queenie? A No sir.  
Q Do you know Queenie Smith who lives at Claremore? A No sir.  
Q Never hear of her? A Not until to day.  
Q Did Fannie have a girl named Queenie after the war? A No sir.  
Q How far did you live from her in '65, '6 and '7? A We lived together in the same house? A No sir not exactly in the same house, in the same yard.  
Q How long did you live that way? A Until she married this soldier.  
Q How long after the war did she marry this soldier? A The year of the cholera.  
Q Did she have any girl there with her when she lived by you? A One, Rachel.  
Q Was Sallie dead then? A Yes sir.  
Q How old was Rachel at that time? A I dont remember, not as old as I was though.  
Q Did you know her until her death? A Yes sir.  
Q Where did she die? A In the State of Delaware, I got letters to that effect from her husband and children.  
Q Where did she marry? A In Fort Gibson.  
Q Who was it she married? A James Gibbs.  
Q This is the only girl besides those that you say died during the war, that Fannie had? A Yes sir, two boys and two girls.  
Q Where did Fannie die? A Four miles from me on Ranger creek.  
Q Died about nine years ago? A Yes sir.

Q Do you know Charley Chamber? A Yes sir.  
Q Did he tell you that he had sworn this girl in? A No sir.  
Q Did he say anything about testifying in this case? A No sir.  
Q You had no talk about that? A He thought that I was the girl.  
Q What did he say? A He shook hands with me this morning and asked me how I was and I said I was well and I asked him how he was and he said he was well, and he asked my how my folks was and I said they was well and I asked him how his folks was and he said they was well, and I asked him if the woman there with him was his wife and he said no, there was a rather large woman standing there with him.  
Q Well now we dont care about all that, did he say anything to you about this case? A No sir I dont think he did, he thought K was the girl.  
Q How do you know? A He shook hands with me and called me that name  
Q Queenie Smith? A No, Rachel, he thought I was Rachel.  
Q Where did this Nick Sanders live before the war, the owner of Fannie  
A On Geney.  
Q In the Cherokee Nation? A Yes sir.  
( By Sequichie )  
Q You mean that Charley Sanders shook hands with you and called you Rachel? A Yes sir.  
Q How old were you when the war come up? A I dont know my age exactly about ten years old I guess.  
Q How many slaves did Nick Sanders own? A I can tell you the names if you will give me time.  
Q How many families? A Only one family, only one family of people, and that was the one that I belonged to.  
Q You dont know whether this Fannie has a child by the name of Queenie or any other name? A No sir she didn't have one by that name, she only had two girls, one named Sallie and one Rachel.  
Q Did you ever live around close to Illinois Station? A No sir.  
Q Never lived there at all? A No sir.  
( By Hastings )  
Q You are a recognized citizen of the Cherokee Nation? A Yes sir.  
Q On the 1880 roll? A Yes sir.

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This testimony will also be filed in Cherokee Freedman Doubtful Card, No. 951.

Chas. von Weise, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein

*(Chas von Weise)*

Subscribed and sworn to before me this the 9th of October, 1901.



Commissioner.

notes thereof.

(Signed) J. O. Rosson.

Subscribed and sworn to before me this October 11th, 1901.

(Signed) T. B. Needles,

Commissioner

Ben Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and that the same is a true and complete copy of the original transcript.

*Arthur G. Croninger*

Subscribed and sworn to before me this 5th day of December, 1901.

*[Signature]*  
Notary Public.

DEC 8 1901

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COMMISSION TO THE FIVE CIVILIZED TRIBES  
DEPARTMENT OF THE INTERIOR

RECEIVED

*7/20/01*

to be filed in C. F.-D. #951, Serina Brown et al.

Department of the Interior,  
Commission to the Five Civilized Tribes.  
Vinita, I.T., October 9th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of  
Queenie Smith as a Cherokee Freedman, introduced on behalf of the  
Cherokee Nation.

APPEARANCES:

Mr. J. R. Sequichie, Agent for applicant.

Mr. W. W. Hastings, of counsel for Cherokee Nation.

WILLIAM L. LANG, being duly sworn by Commissioner Needles,  
testified as follows, on part of Cherokee Nation.

MR. HASTINGS: What is your name? A William L. Lang.

Q What is your post office? A Claremore.

Q What is your age? A 34 years old.

Q How long has Claremore been your post office? A Four years  
last, 16th of last June.

Q Are you acquainted with a colored woman who lives there by the  
name of Queenie Smith and post office Claremore? A Yes, sir.

Q How long have you known her? A Oh, about six years I guess.

Q Did you ever have any talk with her about where she was from  
or she ever tell you where she was from? A Oh, good many times,  
that is her and her husband both.

Q Well, where did she say she was from? A She said she was first  
from Arkansas to the Territory is what she told me.

Q Did she say what place in Arkansas? A She did say, I don't  
remember.

Q You have forgotten it? A Yes, sir.

Q How far does she live from you? A I don't know just exactly  
how far she lives from me now, little over a quarter now, but she  
has been living about 120 steps from me.

Q How long did she live that near you? A She lived there that  
near about a year.

Q Is that the woman yonder you are talking about? (Pointing to  
Queenie Smith, the applicant.) A Yes, sir, that is her.

Q You don't claim citizenship do you? A No, sir.

Q What do you do down there at Claremore? A Barber.

MR. SEQUICHIE: Mr. Lang, what did you mean when you said she  
told you she was from Arkansas to the Territory? A To the Terri-  
tory.

Q Did she tell you how long she had been here? A Not exactly but  
she told me, well her and her husband both in conversation many a  
time that she came from Arkansas, I don't know just exactly how  
long.

Q Which one said that, was it her or her husband? A Both of them.

Q How long had it been since they came from Arkansas here?

A I don't know that.

Q Didn't hear? A No, sir, I don't know that.

Q Tell you anything about her citizenship? A She never did claim  
any until here lately, the last four or five months.

Q How do you know that? A That is in my presence.

Q She make application to you? A No, sir.

Q Well, how do you know she made application? A That is she  
never did to me, she never claimed any.

Q Well, you don't know then she is an applicant?

A No, sir, not till here lately.

Q Well, how long? A Oh, about three months ago or more.

Q How do you know that? A She said so right in my presence.

Q Did she mention about how long she lived in Arkansas when she was  
talking about it? A No, sir.

Q Did she say anything about her being born there?

A No, sir, not as I know of.

Q Where was she the first time you saw her? A She was in Claremore

the first time I saw her.

COM'R NEEDLES: How long have you known Queenie Smith?

A About six years.

Q Claremore? A Well, it was at Claremore that I first saw her.

Q Well, you have known her there for six years? A Yes, sir, and she has been away since that.

Q Where to? A She went to Chelsea from there.

Q Been living in the Territory for the last six years?

A Yes, sir, to my own personal knowledge.

Q You are a colored man? A Yes, sir.

Q You are not a citizen? A Not a citizen more than by marriage.

Q You are a citizen by marriage? A Yes, sir.

Q Is your wife a citizen? A Yes, sir.

Q Is she on the roll of 1880? A Yes, sir, on all of them.

MR. SEQUICHIE: What is the name of your wife? A Mollie Watie.

Q You say she is on the 1880 roll? A Yes, sir, Joe Watie's daughter.

PATSY JOHNSON, called as a witness on part of Cherokee Nation, being duly sworn by Commissioner Needles, testified as follows:

MR. HASTINGS: What is your name? A Patsy Johnson.

Q You are the same Patsy Johnson that was called yesterday to testify in a case of Queenie Smith? A Yes, sir.

Q Now, the applicant wasn't present yesterday but she is present here today; I wish you would look at her, or have you ever seen her before you came in here this morning? A Yes, sir.

Q Where did you see her? A Down here on the creek.

Q Did you ever see that woman before? A No, sir, not to my knowledge.

Q Well, you never saw her until you saw her this morning?

A No, sir.

Q Well, I will ask you if she is a daughter of Fanny Sanders that you testified of yesterday? A No, sir.

COM'R NEEDLES: This applicant that is present here is not a daughter of Fanny Sanders? A My aunt Fanny Sanders.

MR. SEQUICHIE: Mrs. Johnson, were you continuously with Fanny Sanders from the time you knew her until these children, young children, were you with her, lived in the same neighborhood, during the war? A Belonged to the same man.

Q During the war? A Before the war; we belonged to the same man.

Q During the war were you with her? A Yes, sir.

Q Where were you living at? A Fort Gibson.

Q How far apart did you live? A Part of the time in the same house.

Q Then the other time how far apart? A In the same yard.

Q All during the war? A Up until she went to Fort Scott.

Q What year did she go to Fort Scott? A I don't know, the war was going on.

Q Was it a year or so after the war commenced? A When she went for Fort Scott; no, sir, the war was going on.

Q How long after the war begun until she started to Fort Scott?

A I don't know just exactly.

Q Was it a month, year? A It must have been a year.

Q Well, how long did she stay up at Fort Scott? A I don't know just how long she stayed up there.

Q Did she stay there five years? A No, sir.

Q Well, how long? A She come back in the time of the treaty.

Q Were you with her then? A Yes, sir.

Q At Fort Scott? A At Fort Gibson, she come back from Fort Scott.

Q Well, if it was about a year after the commencement of the war until she came back she must have stayed there about three years?

A I don't know; she come back in the time for the treaty.

Q You weren't with her from the time she went to Fort Scott until she came back to Gibson? A No, sir.



Q You weren't with her continuously? A Not, sir, not that time, all the time before the war until she went to Fort Scott and she went away and stayed a while.

Q When she returned from Fort Scott did you live together?

A Yes, sir, lived in the same house?

A How long? A About a year I guess.

Q How many children did she have before she went to Fort Scott?

A She only had four, no just had three.

Q Did she have them with her? A No, there was one girl died before she went to Fort Scott and one of her sons got killed in the army, and Rachel and John were the only children she had with her.

Q And she had these children with her when she came back?

A Yes, sir.

COM'R NEEDLES: What relation are you to Fanny Sanders?

A She is my aunt, my mother's sister.

Q Now, when she came back from Fort Scott to Fort Gibson?

A She had two children.

Q What were their names? A Rachel and John.

Q Where is Rachel? A She is dead.

Q Where is John? A John is at Vian.

Q John is the only living child? A Yes, sir.

Q Did she have any children at Fort Scott? A No, sir.

Q How do you know? A She claims she didn't; she always claimed she just had two girls and a boy.

Q They are all dead but John? A Yes, sir.

Q Now, what was the name of the other child before Rachel?

A Sallie.

Q Is she living? A No, sir, she died on Cowskin prairie in time of the war.

Q They are all dead except John? A Yes, sir.

Q Did you ever see Queenie? A No, sir, not until yesterday.

Q Never heard of her? A No, sir.

Q Don't know her at all? A No, sir.

Q Does she pretend to know you? A No, sir.

QUEENIE SMITH, the applicant, called to the stand, testified as follows: being duly sworn by Commissioner Needles:

COM'R NEEDLES: What is your name? A Queenie Smith.

Q What was your mother's name? A She was named Fanny Sanders, so they tell me.

Q Where were you born? A I was born on Flint I reckon.

Q Did you ever have any brothers or sisters? A Not as I knows of.

Q Do you recollect your mother? A No, sir; I can't recollect my mother at all.

Q She died before you recollect? A Yes, sir.

Q Do you recollect any of your brothers or sister? A No, sir, I can't recollect any of them at all.

Q You have been told though that you were the child of Fanny Sanders? A Yes, sir.

Q Born in Flint District? A Yes, sir.

Q Have you always lived in the Cherokee Nation? A Yes, sir, I always been here in the Cherokee Nation, only when I would go out on a visit.

Q How old do you think you are? A I am 30 years old.

Q Do you recollect anything about the war? A No, sir, I can't recollect a thing about the war.

Q Where do you first recollect of being? A Down here at Illinois Station.

Q Been here all your life since? A Yes, sir.

Q Don't you recollect your father or mother? A No, sir.

Q Or any of your brothers or sisters? A No, sir.

MR. HASTINGS: What was the name of the post master down there when you first remember? A I don't know anything about that.

Q Who was keeping a store down there when you can first remember?

A When I remember I was working for Dr. McAlister.

Q Was Dr. McAlister living there? A Yes, sir; running a hotel.

Q In town? A Yes, sir.

Q That was the first you remember? A Yes, sir, and went from there out on Big Creek at Susan Gilbert's.

Q Where were you married? A I was married down below Vian at Cherokee Junction.

Q How far below Vian is that? A That is last station next to Fort Smith.

Q How far below Vian? A Good ways.

Q Who married you? A I don't know.

Q Don't know that? A No, sir.

Q What year were you married? A I don't know, I have been married near 20 years now.

Q With whom were you living when you were married? A I was living most anywhere.

Q I want to know some persons you were living with near Cherokee Junction? A I don't know exactly now.

Q You don't know anybody you lived with around there?

A People I lived with now is dead.

Q Well, name some of them? A I don't recollect their names.

Q Don't know the names of any of them? A No, sir.

Q What district was that in? A Cherokee is all I know.

Q Cherokee district? A Yes, sir.

Q Don't know names of anybody that lived down there?

A No, sir.

Q When did you come from Arkansas? A I never been to Arkansas.

Q You heard what Mr. Lang said? A Mr. Lang told what was not so, I have been to Arkansas.

Q Where have you been in Arkansas? A Hot Springs.

Q When did you come from Arkansas? A It has been several years ago.

Q When did your mother die? A I don't know; I can't recollect my mother.

Q You can't recollect her? A No, sir.

Q How many stores were there there when you lived there? A Two or three.

Q That was when you can first remember? A When I can first remember, there was one.

Q Are you positive about that? A Yes, sir.

Q Now, who was keeping it? A I don't know, but I think it went in the name of McAlister, that is what I think.

Q Known as Illinois Station? A Yes, sir; he got his groceries there.

Q When you could first remember now? A Yes, sir.

Q Don't you know that that place wasn't down there until that railroad went through there, about '88 or '91?

A I don't know.

Q Who were you living with? A I was living with Dr. McAlister.

Q Was he Cherokee? A I don't know, he claims to be.

COM'R NEEDLES: Don't recollect your father? A No, sir.

Com'r Needles: This testimony will be made part of the record in Freedman Doubtful card #951.

J. D. Reason, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. D. Reason.

Subscribed and sworn to before me this October 11th, 1901.

(Signed) F. B. Needles,

Commissioner

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and that the same is a true and complete copy of the original transcript.

Arthur G. Croninger

Subscribed and sworn to before me this 5th day of December, 1901.

W. D. Green  
Notary Public.

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COMMISSION TO THE FIVE CIVILIZED TRIBES  
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THE  
COMMISSIONER

BY W. W. BASTIN: The representatives of the Cherokee Nation desire to call attention to John H. Brown, upon Cherokee rejected Case No. 408, which was approved by the Secretary of the Interior on June 23, 1904.

The representatives of the Cherokee Nation ask that this testimony be made a part of the record in the case of Lillie Sanders, Cherokee Freedman E-325.

BY COMMISSION:

- Q Did you have any other children of age? A Yes sir, Marina was of age.
- Q How old is Lillie? A She is about twenty-four or twenty-five.
- Q What was the name of the father of John H. Brown, did you say? A The father of John Brown was Mill Thompson.
- Q Did he ever go by the name of Charley Brown? A Yes sir, he sometimes went by that.
- Q Then he was sometimes called Charley Brown and sometimes Mill Thompson? A Yes sir, he was.
- Q Do you know whether or not John Brown was the owner of old man Charley Brown here? A No sir, I don't know.
- Q Do you know whether or not the father of John H. Brown was Sarah J.? A I don't know.
- Q Do you live in the neighborhood of Chelsea? A I live in the neighborhood of Chelsea, now.
- Q You are acquainted up about Chelsea, you know the colored people up there? A I know some of them.
- Q Did you ever hear of any other John H. Brown up there?

-o-o-o-o-o-o-o-o-o-o-

Lucy M. Bowman, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the testimony and proceedings in this case, and that the above and foregoing is a full, true and correct transcript of her stenographic notes thereof.

(Signed)

Lucy M. Bowman

Subscribed and sworn to before me this 8th day of December, 1904.

(Signed)

Charles H. Sawyer

(S E A L)

Notary Public.

Lucy M. Bowman, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the above and foregoing copy and that same is a full true and correct copy of her original transcript herein.

Department of the Interior,  
Commission to the Five Civilized Tribes.  
Muskogee, I.T., November 21, 1904.

SUPPLEMENTAL PROCEEDINGS in the matter of the application  
for the enrollment of Serina Brown et al., as Cherokee freedmen.

QUEENIE SMITH being duly sworn, testifies as follows:

BY COMMISSION:

- Q What is your name? A Queenie Smith.  
Q How old are you? A About forty-five  
Q Do you know Serina Brown, or did you during her lifetime?  
A Yes sir, she is my child.  
Q IS Serina Brown living or dead at this time? A She is dead.  
Q You say she left some children? A Yes sir.  
Q What are their names? A Debby and Della.  
Q Was your daughter Serina Brown married when she died?  
A She had been married, she was divorced from her husband.  
Q What was her husband's name? A John H. Brown.  
Q When did she marry John H. Brown? A I can't exactly tell,  
about four or five years ago.  
Q Where did your daughter die? A She died at Tulsa.  
Q Where is her husband, John H. Brown, living? A I don't  
know sir, the last account of him I heard he was at Tahlequah,  
and then I heard he was somewhere else.  
Q Where did she marry John Brown? A Chelsea.  
Q Was Brown living at Chelsea then? A Yes, sir.  
Q How long had you known Brown before he married your daughter?  
A About three years.  
Q Do you know whether or not he claimed to be a Cherokee freedman?  
A He did.  
Q About what aged man is John H. Brown now? A Well, I don't  
know, sir. At the time he married my daughter he said he was  
about thirty years old.  
Q Do you know anything about his parents?  
A Well, I heard him tell that old man Bill Thompson was.  
Q You mean that old man Bill Thompson was his father? A Yes sir  
Q Where does this old man Bill Thompson live? A Up above  
Chelsea.  
Q What district is that in? A Cooweescoowee.  
Q Do you know whether this John H. Brown ever made application  
for enrollment as a Cherokee Freedman? A I do not.  
Q Do you know anything about his mother? A No sir, I don't  
know anything about her.  
Q And you don't know where John H. Brown is living now? A No sir  
Q With whom are these children, Debby and Della, living?  
A Old man John Reed told me that he had given them away to a  
woman in Coffeyville. He had them at first.  
Q Do you know anything about who was the mother of this John H.  
Brown? A No, I never did find out anything about his people,  
only I have seen the man they said was his father.

BY MR. HASTINGS:

- Q Did this John H. Brown live near Alluwe? A Yes sir.  
Q That would have been his postoffice would it?  
A Yes sir, I guess so.



Cherokee Freedman D-951 -2-

BY W. W. HASTINGS: The representatives of the Cherokee Nation desire to call attention to John H. Brown, upon Freedman Rejected Card No. 402, which was approved by the Secretary of the Interior on June 23, 1904.

The representatives of the Cherokee Nation ask that this testimony be made a part of the record in the case of Lillie Sanders, Cherokee Freedman R-325.

BY COMMISSION:

Q Did you have any other children of age besides Lillie?

A Yes sir, Serina was of age.

Q How old is Lillie? A She is about twenty-four or twenty-five.

Q What was the name of the father of John H. Brown, did you say?  
A The father of John Brown? Old Bill Thompson.

Q Did he ever go by the name of Charley Brown? A Yes sir, he sometimes went by that.

Q Then he was sometimes called Charley Brown and sometimes Bill Thompson? A Yes sir, he was.

Q Do you know whether or not James Brown was the owner of old man Charley Brown before the war? A No sir, I don't know.

Q Do you know whether the mother of John H. Brown was Sarah J.?  
A I don't know.

Q Do you live in the neighborhood of Chelsea?

A I live in the neighborhood of Claremore, now.

Q You are acquainted up about Chelsea, you know the colored people up there? A I know some of them.

Q Did you ever hear of any other John H. Brown up there?

A No sir, I never heard of any other.

-o-o-o-o-o-o-o-o-o-o-

Lucy M. Bowman being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the testimony and proceedings in this case, and that the above and foregoing is a full, true and correct transcript of her stenographic notes thereof.

(Signed)

Lucy M. Bowman

Subscribed and sworn to before me this 8<sup>th</sup> day of December, 1904.

(S E A L)

(Signed)

Charles H. Sawyer

Notary Public.

Lucy M. Bowman, being under oath, states that as stenographer to the Commission to the Five Civilized Tribes she made the above and foregoing copy and that same is a full true and correct copy of her original transcript herein.

*Lucy M. Bowman*

Subscribed and sworn to before me this 10<sup>th</sup> day of December 1904

*Charles H. Sawyer*  
Notary Public.

12A-191

BY COMMISSIONER

The testimony in this case was taken at the hearing held at the case of the Five Civilized Tribes, D-921, on December 10, 1904.

Louise Smith being duly sworn, states that she is a member of the Commission to the Five Civilized Tribes, and that she has read and the testimony and proceedings in the above case and that she believes and foregoing is a full, true and correct transcript of the stenographic notes thereof.

Subscribed and sworn to before me this 30 day of December, 1904.

SEAL.

Louise Smith being duly sworn, states that she is a member of the Commission to the Five Civilized Tribes, and that she has read and the testimony and proceedings in the above case and that she believes and foregoing is a full, true and correct transcript of the stenographic notes thereof.

COMMISSION TO THE FIVE CIVILIZED TRIBES  
DEC 30 1904  
FILED

(Signed) Charles H. Ferguson.

Louise Smith

Subscribed and sworn to before me this December 10, 1904.

Charles H. Ferguson

Cherokee Freedmen D-772  
This testimony is also  
made a part of D-881 and D-325)

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., November 21, 1904.

SUPPLEMENTAL PROCEEDINGS in the matter of the application  
for the enrollment of Queenie Smith and her minor children, as  
Cherokee Freedmen.

It appears that on the third day of October, 1904,  
the applicant, her attorney and the attorney for the Cherokee  
Nation were duly notified by letter that each of them would be  
given an opportunity to appear before the Commission at its  
office in Muskogee, Indian Territory on November 16, 1904, and  
introduce testimony touching the points mentioned in said let-  
ter.

There being no appearance on November 16, case was con-  
tinued by consent, and on November 21, 1904, the following  
proceedings were had:

APPEARANCES:

Applicant appears in person and by attorney J. J. Bulger  
representing her attorney, A. S. McKee.  
Cherokee Nation by W. W. Hastings.

BLUE THOMPSON being duly sworn, testifies as follows:

BY J. J. BULGER:

- Q. What is your name? A. Blue Thompson.  
Q. Where do you reside Mr. Thompson? A. In Chetopa, Kansas.  
Q. Are you a recognized citizen of the Cherokee Nation?  
A. Yes, sir.  
Q. Did you ever live in the Cherokee Nation? A. I did.  
Q. How long? A. About fifty-four years, off and on.  
Q. Were you born in the Cherokee Nation? A. I believe I was.  
Q. Are you acquainted with Queenie Smith, the applicant in this  
case? A. Yes sir, I am acquainted with her.  
Q. Were you acquainted with her mother? A. I don't know whether I  
was or not.  
Q. With the woman who was understood to be her mother?  
A. She was her mother?  
Q. Do you know who was her mother? A. No sir, I don't know who  
that girl's mother was; I knew Fannie Sanders, she had two children,  
a girl and a boy, I don't know if this be hers.  
Q. Who was Fannie Sanders? A. Well she belonged to one of them  
Sanders's, I don't know which one; she was a darkey woman.  
Q. You say that you are acquainted with one Fannie Sanders?  
A. Yes, sir.  
Q. Was she the slave of a Cherokee citizen at the commencement of  
the war? A. Well, I didn't see her, but that was what they called  
her at Gibson.  
Q. Where did she reside? A. At that time she resided at Fort Gibson.  
Q. Did Fannie Sanders have any children? A. She had two, I think.  
Q. What were they? A. One was a boy and one was a girl.  
Q. How old was the girl in 1861? A. In 1861, I didn't know her in  
1861.  
Q. Well when did you know the girl? A. I knew her during the time  
I was living down there, might have been in '67 or '68, somewhere  
along there.  
Q. How old was the girl she had with her then? A. I don't know,  
about seven or eight, maybe nine years old.

Q Do you know whether or not this girl, Queenie Smith, is the girl you saw with Fannie Sanders at that time? A No, indeed, she may have been, but I don't know.

Q You say Fannie Sanders had two children? A Fannie who?

Q Fannie Sanders? A Yes, sir, she had two, to the best of my knowledge.

Q Do you know what has become of those two children? A No, sir, I don't, I left Fort Gibson, and Fannie did, and I never did see them children to my knowledge.

Q Are you acquainted with Queenie Smith? A No, sir, I don't believe I am, if I am I don't know it.

PATSY JOHNSON, being duly sworn, testifies as follows:

BY MR. HASTINGS:

Q Your name is Patsy Johnson? A Yes sir.

Q What is your postoffice? A Fort Gibson, when I am at home, I am in Tahlequah, now, working.

Q You testified in the case of Queenie Smith before? A Yes sir.

Q You said then that you did not know her? A No, sir I don't know her.

Q You did know Fannie Sanders, who belonged to Nick Sanders before the war? A Yes sir, she was my aunt.

Q Did you live in the same family? A Yes sir, Nick lived on one side the road, I lived on the other.

Q Did you know this Fannie Sanders before the war? A Yes sir.

Q Did she go out of the Nation during the war? A No sir.

Q Where did you live during the war? A In about Fort Gibson.

Q Did this Fannie Sanders have some children? A Yes sir.

Q What were their names? A The oldest one was called Dave, he got killed during the war.

Q Next one? A Sallie.

Q Next one? A Rachel.

Q Next one? A John.

Q Four? A Yes sir.

Q Two boys and two girls? A Yes sir.

Q What became of Dave? A He got killed time of the war.

Q What became of Sallie? A She died in time of the war.

Q What became of Rachel? A She went to Delaware with her husband.

Q State of Delaware? A Yes, sir, Madley, Delaware.

Q What was her husband's name? A James Gibbs.

Q You testified in this case once before, before the Commission?

A Yes, sir.

Q About what time did Rachel marry? A I really don't know just the year sir.

Q About how long after the war? A It must have been along about '68 or '69.

Q Was this man Gibbs a soldier? A Yes, sir.

Q Stationed at the garrison at Fort Gibson? A Yes, sir.

Q And John is still alive down at Vian? A Yes, sir, Not at Vian, at Fort Smith now.

Q What became of Rachel, is she living? A No, sir, I got a letter from her husband, she is dead.

Q Tell, you corresponded with them? A Yes, sir, but it has been four or five years since I heard from them now.

Q She had some children by Gibbs? A She had five boys out there, she had one girl she carried away from here when she went.

Q One child was born here? A Yes sir, in Gibson, or out in the country there.

Q Did Rachel marry before or after her mother died?

A Before. Her mother has only been dead some eight or nine years, she died about the same time her mother did.

Q Rachel did? A Yes sir.

Q Did you and your relatives correspond now and then with Rachel out there in Delaware? A Yes sir.

Q At Hadley? A Yes sir.

Q And you learned from this correspondence that she died some eight or ten years ago? A Yes sir, as near as I can guess.

Q Did Fannie ever have a girl by the name of Queenie?

A No sir, she only had two.

Q Sallie and Rachel? A Yes sir, Sallie and Rachel; this Fannie, my aunt.

Q And Fannie belonged to Nick Sanders? A Yes sir, we all belonged to Nick Sanders.

Q You never knew of Queenie until this roll proposition came up?

A I never met her until I met her in Vinita.

BY MR BULWER:

Q Are you acquainted with Queenie Smith? A No sir, never met her until I met her in Vinita.

Q Do you know who was the mother of Queenie Smith? A No sir, I know nothing about her.

Q Do you know whether or not there was but one Fannie Sanders in the Cherokee Nation at the commencement of the war?

A I only had one aunt by that name.

Q But there could have been others? A There could have been others, but there was only this one lived with Nick Sanders.

BY HASTINGS:

Q Where did the Nick Sanders that you belonged to live?

A On Caney.

Q Nick Sanders only owned one Fannie Sanders?

A Only one Fannie, my aunt.

GEORGE WEST VANN being duly sworn, testified as follows:

BY MR BULWER:

Q What is your name? A George West Vann.

Q Are you acquainted with Queenie Smith? A Yes, sir.

Q Were you acquainted with one Fannie Sanders? A Yes sir, I knew Aunt Fannie Sanders.

Q Was Fannie Sanders a slave? A Yes sir.

Q To whom did she belong at the beginning of the Rebellion?

A She belonged to Sanders, I don't know which Sanders.

Q Do you know whether she had any children at the commencement of the war? A Seems to me like she had some children, but I don't know whether they was boys or girls.

Q Do you know whether she had one named Queenie? A No sir, I didn't know the children at all. I knew her but I didn't know the children.

Q Do you know the applicant in this case, Queenie Smith?

A Well, I have been knowing her off and on since the Wallace payment.

Q Do you know who was Queenie Smith's mother? A No sir, I don't know; she claims her mother was Fannie Sanders but I don't know that.

Q Did she claim that at the time of the Wallace Payment?

A I wasn't there when she went in to the Court, but just outside, she claimed it.



BY COMMISSION:

The testimony in this case will be made a part of the record in the case of Lillie Sanders, R-325, and Serina Brown Cherokee Freedman D-951.

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Lucy M. Bowman being duly sworn, states that as a stenographer to the Commission to the Five Civilized Tribes, she correctly recorded the testimony and proceedings in the above case and that the above and foregoing is a full, true and correct transcript of her stenographic notes thereof.

(Signed) Lucy M. Bowman.

Subscribed and sworn to before me this 30 day of November, 1904.

REAL.

(Signed) Charles H. Sawyer.  
Notary Public.

Louise Smith being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the above copy and that same is a true and correct copy of the original transcript.

*Louise Smith*

Subscribed and sworn to before me this December 10, 1904.

*Charles H. Sawyer*  
Notary Public.

— 4 —

0 Was born to Gordon ...

To them alone, be on the side of the...  
 she belonged to carriers, - don't... which...  
 ...

To you know that I did not go to the station at the time of the shooting. I was at home at the time of the shooting.

of the war? A: Seem to be in the line of girls.  
I don't know whether the gas was in the line of girls?

Do you know whether she had one named Nechler? I knew her but I didn't

I didn't know this of course.  
from the program.

to you and the people in the...  
[have been] ... off ...

pay, ent  
do you know who was Queenie Smith's lover? A No sir,

don't know; she doesn't know that.

Did she claim that to

...the claimed ...

The testimony in

Therese Friedman P-951

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...organized in the ...

and that the above are correct copies of the  
transcript of her stenographic notes thereof.

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Cherokee Freedmen D-779  
( This testimony is also  
made a part of R-951 and R-325)

Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskogee, I.T., November 21, 1904.

SUPPLEMENTAL PROCEEDINGS in the matter of the application for the enrollment of Queenie Smith and her minor children, as Cherokee Freedmen.

It appears that on the third day of October, 1904, the applicant, her attorney and the attorney for the Cherokee Nation were duly notified by letter that each of them would be given an opportunity to appear before the Commission at its offices in Muskogee, Indian Territory on November 18, 1904, and introduce testimony touching the points mentioned in said letter.

There being no appearances on November 18, case was continued by consent, and on November 21, 1904, the following proceedings were had:

APPEARANCES:

Applicant appears in person and by attorney J. J. Bulger representing her attorney, A. S. McRae.

Cherokee Nation by W. W. Hastings.

BLUE THOMPSON being duly sworn, testifies as follows:

BY J. J. BULGER:

- Q What is your name? A Blue Thompson.
- Q Where do you reside Mr. Thompson? A In Chetopa, Kansas.
- Q Are you a recognized citizen of the Cherokee Nation?
- A Yes, sir.
- Q Did you ever live in the Cherokee Nation? A I did.
- Q How long? A About fifty-four years, off and on.
- Q Were you born in the Cherokee Nation? A I believe I was.
- Q Are you acquainted with Queenie Smith, the applicant in this case? A Yes, sir, I am acquainted with her.
- Q Were you acquainted with her mother? A I don't know whether I was or not.
- Q With the woman who was understood to be her mother?
- A Who was her mother?
- Q Do you know who was her mother? A No sir, I don't know who that girl's mother was; I knew Fannie Sanders, she had two children, a girl and a boy, I don't know if this be hers.
- Q Who was Fannie Sanders? A Well she belonged to one of them Sanders's, I don't know which one; She was a darkey woman.
- Q You say that you are acquainted with one Fannie Sanders?
- A Yes, sir.
- Q Was she the slave of a Cherokee citizen at the commencement of the war? A Well, I didn't see her, but that was what they called her at Gibson.
- Q Where did she reside? A At that time she resided at Fort Gibson.

- Q Did Fannie Sanders have any children? A She had two, I think
- Q What were they? A One was a boy and one was a girl.
- Q How old was the girl in 1861? A In 1861, I didn't know her in 1861.
- Q Well when did you know the girl? A I knew her during the time I was living down there, might have been in '67 or '68, somewhere along there.
- Q How old was the girl she had with her then? A I don't know, about seven or eight, maybe nine years old.
- Q Do you know whether or not this girl, Queenie Smith, is the girl you saw with Fannie Sanders at that time? A No, indeed, she may have been, but I don't know.
- Q You say Fannie Sanders had two children? A Fannie who?
- Q Fannie Sanders? A Yes, sir, she had two, to the best of my knowledge.
- Q Do you know what has become of those two children? A No, sir I don't, I left Fort Gibson, and Fannie did, and I never did see them children my knowledge.
- Q Are you acquainted with Queenie Smith? A No, sir, I don't believe I am, if I am I don't know it.

PATSY JOHNSON, being duly sworn, testifies as follows:

BY MR. HASTINGS:

- Q Your name is Patsy Johnson? A Yes, sir.
- Q What is your postoffice? A Fort Gibson, when I am at home, I am in Tahlequah, now, working.
- Q You testified in the case of Queenie Smith before? A Yes, sir.
- Q You said then that you did not know her? A No, sir I don't know her.
- Q You did know Fannie Sanders, who belonged to Nick Sanders before the war? A Yes, sir, she was my aunt.
- Q Did you live in the same family? A Yes, sir, Nick lived on one side the road, I lived on the other.
- Q Did you know this Fannie Sanders before the war? A Yes, sir.
- Q Did she go out of the Nation during the war? A No sir.
- Q Where did you live during the war? A In about Fort Gibson.
- Q Did this Fannie Sanders have some children? A Yes, sir.
- Q What were their names? A The oldest one was called Dave, he got killed during the war.
- Q Next one? A Sallie.
- Q Next one? A Rachel.
- Q Next one? A John.
- Q Four? A Yes, sir.
- Q Two boys and two girls? A Yes, sir.
- Q What became of Dave? A He got killed time of the war.
- Q What became of Sallie? A She died in time of the war.
- Q What became of Rachel? A She went to Delaware with her husband.
- Q State of Delaware? A Yes, sir, Madley, Delaware.
- Q What was her husband's name? A James Gibbs.
- Q You testified in this case once before, before the Commission?
- A Yes, sir.

- Q About what time did Rachel marry? A I really don't know just the year sir.
- Q About how long after the war? A It must have been along about '68 or '69.
- Q Was this man Gibbs a soldier? A Yes, sir.
- Q Stationed at the garrison at Fort Gibson? A Yes, sir.
- Q And John is still alive down at Vian? A Yes, sir, Not at Vian, at Fort Smith now.
- Q What became of Rachel, is she living? A No, sir, I got a letter from her husband, she is dead.
- Q Well, you corresponded with them? A Yes, sir, but it has been four or five years since I heard from them now.
- Q She had some children by Gibbs? A She had five boys out there, she had one girl she carried away from here when she went.
- Q One child was born here? A Yes sir, in Gibson, or out in the country there.
- Q Did Rachel marry before or after her mother died?
- A Before. Her mother has only been dead some eight or nine years, she died about the same time her mother did.
- Q Rachel did? A Yessir.
- Q Did you and your relatives correspond now and then with Rachel out there in Delaware. A Yes, sir.
- Q At Hadley? A Yes, sir.
- Q And you learned from this correspondence that she died some eight or ten years ago? A Yes sir, as near as I can guess.
- Q Did Fannie ever have a girl by the name of Queenie?
- A No sir, she only had two?
- Q Sallie and Rachel? A Yes sir, Sallie and Rachel; this Fannie, my aunt.
- Q And Fannie belonged to Nick Sanders? A Yes, sir we all belonged to Nick Sanders.
- Q You never knew of Queenie until this roll proposition came up.
- Q I never met her until I met her in Vinita.

BY MR. BULGER:

- Q Are you acquainted with Queenie Smith? A No sir, never met her until I met her in Vinita.
- Q Do you know who was the mother of Queenie Smith? A No sir I know nothing about her.
- Q Do you know whether or not there was but one Fannie Sanders in the Cherokee Nation at the commencement of the war?
- A I only had one aunt by that name.
- Q But there could have been others? A There could have been others, but there was only this one lived with Nick Sanders.

BY HASTINGS:

- Q Where did the Nick Sanders that you belonged to live?
- A On Caney.
- Q Nick Sanders only owned one Fannie Sanders?
- A Only one Fannie, my aunt.

GEORGE WEST VANN being duly sworn, testified as follows:

BY MR. BULGER:

- Q What is your name? A George West Vann.
- Q Are you acquainted with Queenie Smith? A Yes, sir.



- Q Were you acquainted with one Fannie Sanders? A Yes, sir I knew Aunt Fannie Sanders.
- Q Was Fannie Sanders a slave? A Yes, sir.
- Q To whom did she belong at the beginning of the Rebellion?
- A She belonged to Sanders, I don't know which Sanders.
- Q Do you know whether she had any children at the commencement of the war? A Seems to me like she had some children, but I don't know whether they was boys or girls.
- Q Do you know whether she had one named Queenie? A No, sir I didn't know the children at all. I knew her but I didn't know the children.
- Q Do you know the applicant in this case, Queenie Smith?
- A Well, I have been knowing her off and on since the Wallace pay, out
- Q Do you know who was Queenie Smith's mother? A No sir, I don't know; she claims her mother was Fannie Sanders but I don't know that.
- Q Did she claim that at the time of the Wallace Payment?
- A I wasn't there when she went in to the Court, but just outside, she claimed it.

BY COMMISSION

The testimony in this case will be made a part of the record in the case of Lillie Sanders, R-325 and Berina Brown Cherokee Freedman D-951.

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Lucy M. Bowman being duly sworn, states that as a stenographer to the Commission to the Five Civilized Tribes, she correctly recorded the testimony and proceedings in the above case and that the above and foregoing is a full, true and correct transcript of her stenographic notes thereof.

*Lucy M. Bowman*

Subscribed and sworn to before me this 30 day of November, 1901

*Charles H. Sawyer*  
Notary Public.

- Q Were you acquainted with one Fannie Sanders? A Yes, sir I knew Aunt Fannie Sanders.
- Q Was Fannie Sanders a slave? A Yes, sir.
- Q To whom did she belong at the beginning of the Rebellion?
- A She belonged to Sanders, I don't know which Sanders.
- Q Do you know whether she had any children at the commencement of the war? A Seems to me like she had some children, but I don't know whether they was boys or girls.
- Q Do you know whether she had one named Queenie? A No, sir I didn't know the children at all. I knew her but I didn't know the children.
- Q Do you know the applicant in this case, Queenie Smith?
- A Well, I have been knowing her off and on since the Wallace pay, ent
- Q Do you know who was Queenie Smith's mother? A No sir, I don't know; she claims her mother was Fannie Sanders but I don't know that.
- Q Did she claim that at the time of the Wallace Payment?
- A I wasn't there when she came to the Court, but just outside, she claimed it.

BY COMMISSION

The testimony in this case will be made a part of the record in the case of Fannie Sanders, n-320 and Berina Brown Cherokee Freedmen D-951

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Lucy M. Bowman being duly sworn, states that she attended her to the Commission to the Five Civilized Tribes, she correctly recorded the testimony and proceedings in the above case and that the above and foregoing is a full, true and correct transcript of her stenographic notes thereof.

*Lucy M. Bowman*

Subscribed and sworn to before me this 30 day of November, 1894

*Charles H. Sawyer*  
Notary Public.

Cherokee Freedmen D-779  
( This testimony is also  
made a part of D-951 and R-325)

Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskogee, I.T., November 21, 1904.

SUPPLEMENTAL PROCEEDINGS in the matter of the application for the enrollment of Queenie Smith and her minor children, as Cherokee Freedmen.

It appears that on the third day of October, 1904, the applicant, her attorney and the attorney for the Cherokee Nation were duly notified by letter that each of them would be given an opportunity to appear before the Commission at its offices in Muskogee, Indian Territory on November 16, 1904, and introduce testimony touching the points mentioned in said letter.

There being no appearances on November 16, case was continued by consent, and on November 21, 1904, the following proceedings were had:

APPEARANCES:

Applicant appears in person and by attorney J. J. Bulger representing her attorney, A. S. McRae.  
Cherokee Nation by W. W. Hastings.

BLUE THOMPSON being duly sworn, testifies as follows:

BY J. J. BULGER:

- Q What is your name? A Blue Thompson  
Q Where do you reside Mr. Thompson? A In Chetopa, Kansas.  
Q Are you a recognized citizen of the Cherokee Nation?  
A Yes, sir.  
Q Did you ever live in the Cherokee Nation? A I did.  
Q How long? A About fifty-four years, off and on.  
Q Were you born in the Cherokee Nation? A I believe I was.  
Q Are you acquainted with Queenie Smith, the applicant in this case? A Yes, sir, I am acquainted with her.  
Q Were you acquainted with her mother? A I don't know whether I was or not.  
Q With the woman who was understood to be her mother?  
A Who was her mother?  
Q Do you know who was her mother? A No sir, I don't know who that girl's mother was; I knew Fannie Sanders, she had two children, a girl and a boy, I don't know if this be hers.  
Q Who was Fannie Sanders? A Well she belonged to one of them Sanders's, I don't know which one; She was a darkey woman.  
Q You say that you are acquainted with one Fannie Sanders?  
A Yes, sir.  
Q Was she the slave of a Cherokee citizen at the commencement of the war? A Well, I didn't see her, but that was what they called her at Gibson.  
Q Where did she reside? A At that time she resided at Fort Gibson.

- Q Did Fannie Sanders have any children? A She had two, I think  
Q What were they? A One was a boy and one was a girl.  
Q How old was the girl in 1861? A In 1861, I didn't know her in 1861.  
Q Well when did you know the girl? A I knew her during the time I was living down there, might have been in '67 or '68, somewhere along there.  
Q How old was the girl she had with her then? A I don't know, about seven or eight, maybe nine years old.  
Q Do you know whether or not this girl, Queenie Smith, is the girl you saw with Fannie Sanders at that time? A No, indeed, she may have been, but I don't know.  
Q You say Fannie Sanders had two children? A Fannie who?  
Q Fannie Sanders? A Yes, sir, she had two, to the best of my knowledge.  
Q Do you know what has become of those two children? A No, sir I don't, I left Fort Gibson, and Fannie did, and I never did see them children to my knowledge.  
Q Are you acquainted with Queenie Smith? A No, sir, I don't believe I am, If I am I don't know it.

PATSY JOHNSON, being duly sworn, testifies as follows:

BY MR. HASTINGS:

- Q Your name is Patsy Johnson? A Yes, sir.  
Q What is your postoffice? A Fort Gibson, when I am at home, I am in Tahlequah now, working.  
Q You testified in the case of Queenie Smith before? A Yes, sir.  
Q You said then that you did not know her? A No, sir I don't know her.  
Q You did know Fannie Sanders, who belonged to Mick Sanders before the war? A Yes, sir, she was my aunt.  
Q Did you live in the same family? A Yes, sir, Mick lived on one side the road, I lived on the other.  
Q Did you know this Fannie Sanders before the war? A Yes, sir.  
Q Did she go out of the Nation during the war? A No sir.  
Q Where did you live during the war? A In about Fort Gibson.  
Q Did this Fannie Sanders have some children? A Yes, sir.  
Q What were their names? A The oldest one was called Dave, he got killed during the war.  
Q Next one? A Sallie.  
Q Next one? A Rachel.  
Q Next one? A John.  
Q Four? A Yes, sir.  
Q Two boys and two girls? A Yes, sir.  
Q What became of Dave? A He got killed time of the war.  
Q What became of Sallie? A She died in time of the war.  
Q What became of Rachel? A She went to Delaware with her husband.  
Q State of Delaware? A Yes, sir, Hadley, Delaware.  
Q What was her husband's name? A James Gibbs.  
Q You testified in this case once before, before the Commission?  
A Yes, sir.

- Q About what time did Rachel marry? A I really don't know just the year sir.
- Q About how long after the war? A It must have been along about '68 or '69.
- Q Was this man Gibbs a soldier? A Yes, sir
- Q Stationed at the garrison at Fort Gibson? A Yes, sir
- Q And John is still alive down at Vian? A Yes, sir, Not at Vian, at Fort Smith now.
- Q What became of Rachel, is she living? A No, sir, I got a letter from her husband, she is dead.
- Q Well, you corresponded with them? A Yes, sir, but it has been four or five years since I heard from them now.
- Q She had some children by Gibbs? A She had five boys out there, she had one girl she carried away from here when she went.
- Q One child was born here? A Yes sir, in Gibson, or out in the country there.
- Q Did Rachel marry before or after her mother died?
- A Before. Her mother has only been dead some eight or nine years, she died about the same time her mother did.
- Q Rachel did? A Yessir.
- Q Did you and your relatives correspond now and then with Rachel out there in Delaware. A Yes, sir.
- Q At Hadley? A Yes, sir.
- Q And you learned from this correspondence that she died some eight or ten years ago? A Yes sir, as near as I can guess.
- Q Did Fannie ever have a girl, by the name of Queenie?
- A No sir, she only had two?
- Q Sallie and Rachel? A Yes sir, Sallie and Rachel; this Fannie, my aunt
- Q And Fannie belonged to Nick Sanders? A Yes, sir we all belonged to Nick Sanders.
- Q You never knew of Queenie until this roll proposition came up.
- Q I never met her until I met her in Vinita.

BY MR. PULGER:

- Q Are you acquainted with Queenie Smith? A No sir, never met her until I met her in Vinita.
- Q Do you know who was the mother of Queenie Smith? A No sir I know nothing about her.
- Q Do you know whether or not there was but one Fannie Sanders in the Cherokee Nation at the commencement of the war?
- A I only had one aunt by that name.
- Q But there could have been others? A There could have been others, but there was only this one lived with Nick Sanders

BY HASTINGS:

- Q Where did the Nick Sanders that you belonged to live?
- A On Caney.
- Q Nick Sanders only owned one Fannie Sanders?
- A Only one Fannie, my aunt.

GEORGE WEST VANN being duly sworn, testified as follows:

BY MR. PULGER:

- Q What is your name? A George West Vann.
- Q Are you acquainted with Queenie Smith? A Yes, sir



- Q Were you acquainted with one Fannie Sanders? A Yes, sir I knew Aunt Fannie Sanders.
- Q Was Fannie Sanders a slave? A Yes, sir.
- Q To whom did she belong at the beginning of the Rebellion?
- A She belonged to Sanders, I don't know which Sanders.
- Q Do you know whether she had any children at the commencement of the war? A Seems to me like she had some children, but I don't know whether they was boys or girls.
- Q Do you know whether she had one named Queenie? A No, sir I didn't know the children at all. I knew her but I didn't know the children.
- Q Do you know the applicant in this case, Queenie Smith?
- A Well, I have been knowing her off and on since the Wallace pay, ent
- Q Do you know who was Queenie Smith's mother? A No sir, I don't know; she claims her mother was Fannie Sanders but I don't know that.
- Q Did she claim that at the time of the Wallace Payment?
- A I wasn't there when she went in to the Court, but just outside, she claimed it.

BY COMMISSION

The testimony in this case will be made a part of the record in the case of Lillie Sanders, R-325 and Serina Brown Cherokee Freedman D-951.

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Lucy M. Bowman being duly sworn, states that as a stenographer to the Commission to the Five Civilized Tribes, she correctly recorded the testimony and proceedings in the above case and that the above and foregoing is a full, true and correct transcript of her stenographic notes thereof.

*Lucy M. Bowman*

Subscribed and sworn to before me this 30 day of November, 1901

*Charles H. Sawyer*  
Notary Public.

(COPY)

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment  
of Charles Brown et al., as Cherokee Freedmen, consolidating the  
applications of

Charles Brown et al.  
Washington Brown  
Charles Brown Jr.  
John H. Brown,

Cherokee Freedmen D 952  
Cherokee Freedmen D 738  
Cherokee Freedmen D 954,  
Cherokee Freedmen D 965.

DECISION.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Charles Brown for himself and minor children, Louvina and Joseph Brown; by Washington Brown, for himself; by Charles Brown, Jr., for himself; and by John H. Brown, for himself.

The evidence shows that the applicant, Charles Brown, was born prior to the commencement of the rebellion and that he was not the slave of a Cherokee citizen nor a free colored person residing in the Cherokee Nation at the commencement of the rebellion.

The evidence further shows that all the other applicants herein have been born since the close of the rebellion and are the descendants of and claim right to enrollment through the said Charles Brown.

None of the names of said applicants are found on the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Charles Brown, Louvina Brown, Joseph Brown, Washington Brown, Charles Brown, Jr., and John H. Brown, as Cherokee Freedmen, should be denied under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed)

Tamr Bixby  
Chairman.

" 2

T. E. Needles,  
Commissioner

" "

C. A. Breckinridge  
Commissioner

" "

W. R. Stanley  
Commissioner

Muskogee, Indian Territory,

this Mar 5, 1904.

A. F. Mc.  
D. C. L.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of  
Queeny Smith, et al., as Cherokee Freedmen, consolidating the  
applications of:

Queeny Smith, et al.,  
Serina Brown, et al.,  
Lillie Sanders,

Cherokee Freedmen D 779  
Cherokee Freedmen D 951  
Cherokee Freedmen R 325

-: D E C I S I O N :-

THE RECORDS OF THIS OFFICE SHOW: That applications for enrollment as Cherokee freedmen were made to the Commission to the Five Civilized Tribes by Queeny Smith for herself and minor children, Robert, Jessie, Linwood, Mabel, Lucile, Sammie and Mamie Smith; by Serina Brown for herself and minor children, Della and Debbie Brown, and by Lillie Sanders for herself. Copies of the testimony taken on June 29, 1901, at Nowata, Indian Territory, its decision rendered by the Commission on March 5, 1904, and Departmental letter of June 23, 1904 (I. T. D. 5104-04), in re application of John H. Brown for enrollment as a Cherokee Freedman, case No. R 402, are filed herewith and made a part of the record herein.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant Queeny Smith, claims the right to enrollment as a Cherokee freedman by virtue of her compliance with the treaty stipulations of 1866; that the other applicants herein claim the same right as descendants of the said Queeny Smith; and that the applicant, Lillie Sanders, also claims as a descendant of one Will Sanders, deceased.

The following points are fully established by the evidence, no attempt having been made to disprove them:

(1) That the principal applicant, Queeny Smith, is the mother of all the other applicants herein, excepting Della and Debbie Brown.

(2) That one Jim Smith, a non-citizen of the Cherokee Nation, is the husband of the principal applicant, Queeny Smith, and father of all the other applicants herein excepting Lillie Sanders and Della and Debbie Brown.

(3) That the minor applicants, Della and Debbie Brown, are children of the applicant, Serina Brown, and one John H. Brown, who was denied enrollment as a Cherokee freedman, by the Commission on March 5, 1904, and its action approved by the Department on June 23, 1904 (Departmental letter I. T. D. 5104-04).

(4) That all the applicants herein, excepting Queeny Smith, were born since 1866.

QUEENY SMITH, applicant, appeared before the Commission on June 20, 1901, at Nowata, Indian Territory, and in support of her application for enrollment as a Cherokee Freedman, testified as follows: I am 41 years old, and my postoffice is Claremore, (Indian Territory). I guess I was a slave. My mother, so I am told, was Fannie Sanders, who, before the war, was the slave of Nick Sanders, a Cherokee citizen, who lived on Caney. They sometimes call me Rachel Sanders, but that is only a nick-name, my right name is Queeny. I do not remember my mother as she died when I was quite young. Neither do I remember when I and my mother belonged to Nick Sanders. I have lived in the Cherokee Nation continuously since I can first remember, and at that time (when I can first remember), I was working for Dr. McAlister, at Illinois Station. I worked there until I got married. The Valley railroad run through there then and we lived on the east side of it. I heard nothing about them taking a census in 1880. I made application to the Kern-Clifton Commission for enrollment, but did not get on the roll. I drew money under the Wallace payment for myself, but not for any of my children. My daughter, Lillie, was born on Caney, near the Nick Sanders place. Serina and Robert were born in "McCoy" District near Illinois Station. Jessie and Linwood were born on Lightning Creek. Bill Foreman brought me up from my infancy, and when I can first remember I was living with him on Caney. When I left him I went to Illinois Station. I don't know how far Caney, is from Coffeyville. I never heard of any towns near there; I always traded down on this side of the railroad somewhere. I don't remember when I first became acquainted with Charles Chambers, he has known me since before I can remember myself.

CHARLES CHAMBERS, witness for applicants, same date and place, testified as follows: I am about 70 years old, my postoffice is Hudson, and I am a recognized citizen of the Cherokee Nation. I have known the applicant, Queeny Smith, since she was four or five years old. Also knew her mother, Fannie Sanders. They were then living over on Caney, Tahlequah District, with Nick Sanders, a Cherokee citizen. I did not see the applicant, Queeny Smith, again, until sometime along in the '70's, she was then living with Aunt Susie Colbert, five or six miles from Coffeyville. I have seen her only once or twice since that time.

JIM ALBERTY, witness for applicant, same date and place, testified as follows: I am 70 years old, and my postoffice is Chouteau, Indian Territory; I have known the applicant by the name of Queeny Sanders since 1866. She with her mother was living on Four Mile Branch at that time. I knew her mother before the war, she was the slave of Nick Sanders, a Cherokee citizen. I do not know whether or not the applicant and her mother were taken out of the Cherokee Nation during the war. After 1866 I never saw the applicant again until about one year ago. Before the war I lived about thirty-five or forty miles from Nick Sanders. Fannie Sanders had two or three other children besides this applicant, but Queeny is the only one I remember, and I remember her because her name is a familiar one, and she was the largest one of the children I saw there (on Four Mile branch).

PATSY JOHNSON, witness for Cherokee Nation, appeared before the Commission on October 8, 1901, at Vinita, Indian Territory, and testified as follows: I am about fifty-two years old and live about two and one-half miles the other side of Four Mile Branch, towards Tahlequah. My mother's name was Mary Sanders, and before the war she was the slave of Nick Sanders, a Cherokee citizen, who lived on Caney Creek. He also owned a slave named Fannie Sanders, my mother's sister. Fannie Sanders was taken to Fort Scott during the war, but later returned to Fort Gibson, and during the year of the cholera married a soldier named Isaac Cernish. She had four children, John, Dave, Sallie and Rachel. Dave was killed and Sallie died during the war, Rachel married a soldier named James Gibbs and moved to the State of Delaware, where she later died. John Sanders is now living at Vian. Before the war I lived in the same neighborhood, part of the time in the same yard and part of the time in the same house, with Fannie Sanders, and I know that she had no children other than those named above. I never knew or heard of Queeny Smith before to-day Fannie Cernish, nee Sanders, died about nine years ago. At the time of her death she was living about four miles from me. Nick Sanders owned no other slave named Fannie. I knew Charley Chambers, I met him this morning, he spoke to me and called me Rachel. He thought I was the daughter of Fannie Sanders, in whose behalf he had been called to testify.

WILLIAM L. LANG, witness for Cherokee Nation, appeared before the Commission on October 9, 1901, at Vinita, Indian Territory, and testified as follows: I am 34 years old, and have lived at Claremore four years. I have known the applicant, Queeny Smith, about six years, when I first became acquainted with her she said she was from Arkansas to the Territory, and at that time she did not claim freedman citizenship. So far as I know she never did claim citizenship in the Cherokee Nation until four or five months ago.



PATSY JOHNSON, witness for Cherokee Nation, same date and place, testified as follows: I am the same Patsy Johnson that testified here yesterday in this case. I never saw the applicant, Queeny Smith, until I met her here this morning, and I know that she is not the daughter of my aunt, Fannie Sanders, who was the slave of Nick Sanders. I lived in the same neighborhood with Fannie Sanders, and part of the time in the same house, until sometime during the war, when she went to Fort Scott. She returned to the Cherokee Nation in time to acquire rights under the treaty, and we lived together about a year after her return.

QUEENY SMITH, applicant, same date and place, testified as follows: My mother's name was Fannie Sanders, so they tell me. She died before I can remember her. I do not recollect that I had any brothers and sisters at all. I have always lived in the Cherokee Nation except when I would go out on a visit. I do not remember the war, and the first place I remember living was down here at Illinois Station. I did not know that Illinois Station was not started until the railroad built through there in 1888 or 1889.

BERINA BROWN, applicant, appeared before the Commission on June 29, 1901, at Nowata, Indian Territory, and testified as follows: I am about 19 years old, and my postoffice is Chelsea, Cooweescoowee District. My mother's name is Queeny Smith. I was born on Grand River and have lived in the Cherokee Nation all my life.

LILLIE SANDERS, applicant, appeared before the Commission on April 2, 1902, and April 27, 1905, at Muskogee, Indian Territory, and in support of her application for enrollment, testified as follows: I am 24 years old (on April 27, 1905, she testified that she was 27 years old), and live at Chelsea, Indian Territory. I am the daughter of Queeny Smith and one Will Sanders, deceased. I was born down here by Tahlequah, and have lived in the Cherokee Nation continuously since birth. I can not remember my father, Will Sanders, he died when I was very small.

LEWIS SANDERS, witness for applicants, appeared before the Commission on May 18, 1905, at Muskogee, Indian Territory, and testified as follows: I live at Melvin. I knew Will Sanders, he was my brother. Our father was the slave of Nick Sanders, a Cherokee citizen. Will Sanders was killed near Melvin, in December, 1897. He was never married, and had no children that I know of. I do not know the applicant, Lillie Sanders, and only know by her mother, Queeny Smith, telling me, that she claims to be the daughter of my brother, Will Sanders.

JOHN SANDERS, witness for applicants, same date and place, testified as follows: I knew Will Sanders, he was my cousin, he lived with his mother on Four Mile Branch until his death. He has been dead five or six years. He was never married, and never lived with any woman that I know of. I do not know the applicant, Lillie Sanders, and only met her mother, Queeny

Smith, a short time ago. I was the slave of Nick Sanders. I did not know that Queeny Smith claimed to be his slave.

At this point the Cherokee Nation introduced in evidence the Cherokee authenticated tribal roll of 1899, Tahlequah District, which, in part, reads as follows:

| No   | Names           | Native or Adopted. | Race or prior Nationality | Age | Sex | Interlined |
|------|-----------------|--------------------|---------------------------|-----|-----|------------|
| 2096 | Andrew Sanders  | A.                 | Col.                      | 45  | M   | Dead       |
| 2099 | Patsy Sanders   | A.                 | Col.                      | 50  | F   | Dead       |
| 2100 | William Sanders | A.                 | Col.                      | 7   | M   | Dead       |
| 2101 | Allick Sanders. | A.                 | Col.                      | 11  | M.  |            |

The Wallace roll, in part, shows the following:

| No.  | Names           | Age | Sex | Residence          |
|------|-----------------|-----|-----|--------------------|
| 1912 | Sanders, Andrew | 57  | M.  | Tahlequah District |
| 1913 | " Alex          | 20  | M.  | " "                |
| 1914 | " William       | 16  | M.  | " "                |

QUEENY SMITH, applicant, appeared before the Commission on June 1, 1905, at Muskogee, Indian Territory, and in support of her application further testified as follows: I am the mother of Lillie Sanders. Her father was Will Sanders. He had three brothers, named Lewis, Alex and Bob. I was not married to Will Sanders, we just lived together at times. Lillie is twenty-four or twenty-five years old. Will Sanders was about eighteen or twenty years old when I got acquainted with him, and if living would be about forty-five years old now.

BOB SANDERS, witness for applicants, same date and place testified as follows: I know Will Sanders, he was a younger brother of mine. Our father's name was Andy, and our mother's name was Patsy. In 1880 we lived in Tahlequah District. My brother Will was killed six or seven years ago, but if living would not be over thirty some odd years old now. Will was born just about the time of the first Bred Money payment. I don't know what year that was.

W. W. HASTINGS, witness for Cherokee Nation, same date and place, testified as follows: "I am one of the attorneys for the Cherokee Nation. My age is 38 years. I knew as a matter of fact from an examination of the records, and from my own personal recollection, that the payment referred to by the witness, Bob Sanders, on the stand, was made in 1878. I desire to state, as I stated before, that I personally remember this payment. I probably would not have known and remembered that it was in 1878, had I not had occasion frequently to refresh myself from the public records, but I do remember the payment of 1878, and I do know that it was made in that year."

This testimony was objected to by attorneys for the applicants, on the ground that it was not the best evidence.

The foregoing is the testimony in substance of all witnesses who testified to material points in this case. None of the applicants herein can be identified on any roll of the Cherokee Nation in the possession of the Commission.

In re certain parts of the testimony in this case: Queeny Smith, nee Sanders, claims that she is sometime known as Rachel, and that she is the daughter of Fannie Sanders, deceased, who, before the war, was the slave of Nick Sanders, a Cherokee citizen living on Caney Creek, and that her mother died before she was old enough to remember her. It is shown by a relative of Fannie Sanders, deceased, that Nick Sanders, a Cherokee citizen living on Caney Creek, owned a slave named Fannie, and that Fannie had a child named Rachel; that Rachel married and moved to the state of Delaware, where, a few years ago, she died. The said Fannie Sanders is identified on the 1880 roll, and it is shown that she died about 1895. The applicant, Queeny Smith, according to her own testimony, was, in 1895, about thirty-five years old, an age, it is not unreasonable to presume, she can remember. Charley Chambers testifies that Queeny Sanders and her mother were slaves of a Cherokee citizen, and Jim (Sheep) Alberty testifies that he saw them in the Cherokee Nation in 1866. Aside from the fact that the testimony of these two witnesses is flatly contradicted, it is well known that they were two of the most disreputable witnesses that appeared before the Commission in freedmen cases, and their testimony is of no value whatever. In re Jim (Sheep) Alberty, see Departmental letter of August 17, 1904 (I. T. D. 1472, 4998-04).

In re Lillie Sanders: This applicant claims to be the daughter of Will Sanders, and on April 2, 1902, testifies that she is twenty-four years old, and on April 27, 1903, that she is twenty-seven years old, which, if correct, shows that she was born during the year 1878. The 1880 and Wallace Rolls show the age of the said Will Sanders to be seven and sixteen years, respectively, and this enrollment is shown to be practically correct as to Will Sanders' age, by his relatives, who appear as witnesses in behalf of applicants. All of which tends to show that said Will Sanders was born about the year 1873, five years prior to the birth of his alleged daughter.

**FINDINGS OF FACT AND CONCLUSION:** It is considered that the applicants herein have failed to show by satisfactory evidence that they possess any rights to enrollment as Cherokee freedmen, consequently their applications come within the rulings of the Department in the cases of Elisa Bryant et al., (I. T. D. 544-04), William Rector (I. T. D. 1468-04), Minnie Duncan et al. (I. T. D. 1470-04), Samantha Chambers (I. T. D. 2296-04), Ed Williams (I. T. D. 4230-04), and Moses Ross (I. T. D. 6056-04).

**IT IS, THEREFORE, ORDERED AND ADJUDGED:** That under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), Queeny Smith, Robert Smith, Jessie

Smith, Linwood Smith, Nabel Smith, Lucile Smith, Bernice Smith, Mamie Smith, Sarina Brown, Della Brown, Robbie Brown and Lillie Sanders, are not entitled to enrollment as Cherokee Freedmen, and their applications for enrollment as such are accordingly denied.

W. H. H. H. Jane Kirby  
COMMISSIONER

Dated at Muskogee, Indian Territory,

This JUL 21 1905

4. Q 70951

BOARD OF COMMISSIONERS  
COMMISSIONERS OF THE LAND OFFICE

FILED  
OCT 13 1901

ACTING CHAIRMAN



COMMISSIONERS:  
HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Visited Oct 15-01

Received of the Commission to the Five Civilized Tribes  
one copy of the testimony in the matter of the application of  
Perina Brown et al for enrollment as  
Freedmen of the Cherokee Nation.

No. CF 10951

J. H. Sequichie  
Agent for applicants

COMMISSIONERS  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE,  
W. E. STANLEY.

ALLISON L. AYLESWORTH,  
SECRETARY  
ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedman  
D-9517

Muskogee, Indian Territory, February 8, 1904.

Serina Brown,

Chelsea, Indian Territory.

Dear Madam:

In the matter of your application for the enrollment of yourself and two minor children, Della and Debbie Brown, as Cherokee freedmen, you are advised that before the Commission can render a final decision in this case it will be necessary that further information be given which will lead to the identification of John Brown, father of the above named children, as a citizen of the Cherokee Nation.

You are, therefore, hereby requested to advise this Commission whether your husband, John Brown, has ever applied to the Commission for enrollment as a citizen of the Cherokee Nation, and if so, whether he applied as a freedman or Cherokee by blood. You are also requested to give his name, the date of his application and what place he appeared before the Commission.

Respectfully,



Commissioner in Charge

D.C. 21706-1904  
I.T.D. 5104-1904  
L.R.S.

( C O P Y )

FHM

DEPARTMENT OF THE INTERIOR,

WASHINGTON. June 23, 1904.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

March 16, 1904, you transmitted the record in the consolidated case embracing the applications of Charles Brown, et al (F. D. 952, D-738, D-953 & D-965), for enrollment as Cherokee freedmen, including your decision of March 5, 1904, rejecting said application.

Reporting in the matter June 13, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

1 inclosure.

(Signed)

H. A. Hitchcock  
Secretary

Cherokee Freedmen  
D-951.

Muskogee, Indian Territory, September 16, 1904.

Hastings, Bell and Davenport,  
Attorneys for Cherokee Nation,  
Vinita, Indian Territory.

Gentlemen:

There is enclosed herewith a copy of the testimony of John H. Brown, taken at Nowata, Indian Territory, on June 29, 1901, in the matter of his application for enrollment as a Cherokee Freedman, together with an order of the Commission making said testimony a part of the record in the matter of the application of Serina Brown, et al., for enrollment as Cherokee Freedmen, case No. D-951.

Respectfully,

Chairman.

Enclosure C.F.D. 951-M.

Cherokee Freedmen  
2-871.

Muskogee, Indian Territory, December 27, 1904.

Hall, Hastings & Darroport,  
Attorneys for the Cherokee Nation,  
Vinita, Indian Territory.

Gentlemen:

There are herewith inclosed copies of supplemental testimony taken at Muskogee, Indian Territory on November 22, 1904, in the following Cherokee freedmen cases:

Cherokee Freedmen 2-872, Elizabeth Denson, et al.

Cherokee Freedmen 2-779, Gertrude Smith, et al.

Cherokee Freedmen 2-861, Sylvia Brown, et al.

Respectfully,

Chairman.

Incl. E-4.



Cherokee Freedmen  
D-871.

Muskogee, Indian Territory, December 27, 1904.

Bell, Hastings & Davenport,  
Attorneys for the Cherokee Nation,  
Vinita, Indian Territory.

Gentlemen:

There are herewith inclosed copies of supplemental testimony taken at Muskogee, Indian Territory on November 21, 1904, in the following Cherokee freedmen cases:

Cherokee Freedmen D-871, Elizabeth Denson, et al.

Cherokee Freedmen D-872, Quenna Smith, et al.

Cherokee Freedmen D-851, Maria Brown, et al.

Respectfully,

Chairman,

Incl. K-6.

Cherokee Freedman  
D-871.

Muskogee, Indian Territory, December 27, 1904.

Hall, Hastings & Savenport,

Attorneys for the Cherokee Nation,

Vinita, Indian Territory,

Gentlemen:

There are herewith inclosed copies of supplemental testimony taken at Muskogee, Indian Territory on November 21, 1904, in the following Cherokee Freedman cases:

Cherokee Freedman D-871, Elizabeth Duncan, et al.

Cherokee Freedman D-779, George Smith, et al.

Cherokee Freedman D-881, George Brown, et al.

Respectfully,

Incl. X-6.

Very truly,  
Your obedient servant,

COPY,

Cherokee Freedmen

D-951.

Muskogee, Indian Territory, January 10, 1905.

Blue & Bulger,

Vinita, Indian Territory.

Gentlemen:

There are herewith inclosed copies of supplemental proceedings had at Muskogee, Indian Territory, in the following Cherokee freedmen cases:

|           |       |                      |
|-----------|-------|----------------------|
| F. D-1012 | ----- | Charlotte French,    |
| F. D-475  | ----- | Emma Powell, et al., |
| F. D-877  | ----- | Victoria Carter,     |
| F. D-879  | ----- | Frank Love.          |

There is also inclosed a copy of testimony taken at Nowata, Indian Territory, on June 29, 1901, in the matter of the application for the enrollment of John H. Brown as a Cherokee freedman, and a copy of the Commission's decision dated March 5, 1904, in the matter of the application for the enrollment of Charles Brown, et al., together with an order dated September 13, 1904, and signed by Commissioner Bixby, making same part of the record in the matter of the application for the enrollment of Sarina Brown, et al., as Cherokee freedmen.

Respectfully,

(SIGNED) *Tame Bixby.*

Chairman.

Incl. S-8.

Cherokee Freedmen D 779 et al.

Muskogee, Indian Territory, July 21, 1908

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the applications for enrollment as Cherokee Freedmen of Quenry, Robert, Jessie, Linwood, Mabel, Lucile, Sawnie and Mamie Smith, Berina, Della and Debbie Brown, and Lillie Sanders, including the decision of the Commissioner to the Five Civilized Tribes, dated July 21, 1908, rejecting said applications.

Respectfully,

Through the

Commissioner

Commissioner of Indian Affairs.

Incl. W- 15

Cherokee Freedmen  
D 951

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, July 21, 1905

Administrater of the Estate of Serina Brown, deceased,  
Chelsea, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated July 21, 1905, rejecting, among others, the application for the enrolment of Serina Brown and her children, Della and Debbie Brown, as Cherokee freedmen. There has heretofore been furnished their attorneys, Blue and Bulger, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commissioner's decision.

The decision, with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Incl. B-17

Commissioner



Cherokee Freedman  
B 779, D 951, R-325

Muskogee, Indian Territory, July 21, 1905

Blue and Bulger,  
Attorneys for Quincy Smith, et al.,  
Vinita, Indian Territory.

Gentlemen:

There is inclosed herewith copy of the decision of the Commissioner to the Five Civilized Tribes, dated July 21, 1905, rejecting the applications for the enrollment as Cherokee freedmen of Quincy, Robert, Jessie, Linwood, Mabel, Lucile, Sawnie and Mavis Smith, Berina, Della and Debbie Brown, and Lillie Sanders. You have heretofore been furnished with a copy of the record of proceedings had in this case.

The decision with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Incl. B 19

Commissioner

Cherokee Freedmen  
B-779, B-951, B-528

Muskogee, Indian Territory, July 21, 1908

Ball, Hastings and Davenport,  
Attorneys for the Cherokee nation,  
Muskogee, Indian Territory,  
Gentlemen:

There is inclosed herewith copy of the decision of the Commissioner to the Five Civilized Tribes, dated July 21, 1908, rejecting the applications for the enrollment as Cherokee freedmen of Queeny, Robert, Jessie, Linwood, Mahal, Lucile, Sammie and Mamie Smith, Serina, Della and Debbie Brown, and Lillie Sanders. You have heretofore been furnished with a copy of the record of proceedings had in this case.

The decision, with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Incl. B-21

Commissioner

Refer in reply  
to the following:  
Land.  
18049-1904.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

August 7, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes, dated July 21, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Queeny Smith for herself and her minor children, Robert, Jessie, Linwood, Mabel, Lucile, Sannie, and Janie Smith; by Berina Brown for herself and her minor children, Della and Debbie Brown, and by Lillie Sanders for herself.

July 21, 1905, the Commission decided adversely to all the applicants.

The record shows that Queeny Smith is the mother of all the other applicants except Della and Debbie Brown, and that one Jim Smith, a non-citizen of the Cherokee Nation is the husband of Queeny Smith and father of all the other applicants except Lillie Sanders and Della and Debbie Brown; that Della and Debbie Brown are children of Berina Brown and one John H. Brown, the denial of whose enrollment was approved by the Department June 23, 1904 (I.T.D. 8104-1904); and that all the applicants, except Queeny Smith, were born since 1866. None of the applicants is identified on any roll of the Cherokee Nation.

-2-

The record further shows that although afforded ample opportunity the applicants have failed to show by satisfactory evidence that they possess any rights to enrollment as Cherokee Freedmen.

In view of the record the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

H.M.W.  
W.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

123

L.T.D. 124-1203.

August 24, 1905.

123

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

July 21, 1905, you transmitted the record in the matter of the consolidated applications for enrollment as Cherokee freedmen of Ceceny Smith for herself and her minor children, Robert, Jennie, Linwood, Label, Lucile, Bernice, and Marie Smith; of Maria Brown for herself and her minor children, Della and Debbie Brown, and of Lillie Sanders for herself, including your decision of the same date adverse to all the applicants.

Reporting August 7, 1905, the Indian Office recommended that your decision be approved. A copy of its letter is inclosed.

The department concurs in said recommendation and your decision adverse to all the applicants is hereby affirmed.

Respectfully,

(Signed) Theo. Ryan,

Acting Secretary.

1 inclosure.



Refer in reply  
to the following:  
and.  
86049-1908.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

August 7, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes, dated July 21, 1908, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Quency Smith for herself and her minor children, Robert, Jessie, Linwood, Hubert, Lucille, Sumis, and Jennie Smith; by Berina Brown for herself and her minor children, Della and Debbie Brown, and by Lillie Sanders for herself.

July 21, 1908, the Commission decided adversely to all the applicants.

The record shows that Quency Smith is the mother of all the other applicants except Della and Debbie Brown, and that one Jim Smith, a non-citizen of the Cherokee Nation is the husband of Quency Smith and father of all the other applicants except Lillie Sanders and Della and Debbie Brown; that Della and Debbie Brown are children of Berina Brown and one John H. Brown, the denial of whose enrollment was approved by the Department June 25, 1904 (I.T.D. 8104-1904); and that all the applicants, except Quency Smith, were born since 1864. None of the applicants is identified on any roll of the Cherokee Nation.

-2-

The record further shows that although afforded ample opportunity the applicants have failed to show by satisfactory evidence that they possess any rights to enrollment as Cherokee Freedmen.

In view of the record the approval of the Commission's decision referred to all the applicants is recommended.

Very respectfully,

G. F. Iarrabee

Acting Commissioner.

M. S. M.

U.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

LRS

I.F.D. 1904-1905.

August 26, 1905.

LRS

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

July 21, 1905, you transmitted the record in the matter of the consolidated applications for enrollment as Cherokee Freedmen of Queeny Smith for herself and her minor children, Robert, Jennie, Linwood,abel, Lucile, Mamie, andemie Smith; of Maria Brown for herself and her minor children, Della and Debbie Brown, and of Lillie Sanders for herself, including your decision of the same date adverse to all the applicants.

Reporting August 7, 1905, the Indian Office recommended that your decision be approved. A copy of its letter is inclosed.

The department concurs in said recommendation and your decision adverse to all the applicants is hereby affirmed.

Respectfully,

(signed) Theo. Ryan.

Acting Secretary.

1 inclosure.

COPY.

Cherokee V D-  
779-921-7 B-325.

Muskogee, Indian Territory, September 13, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that this office is in receipt of Departmental letter of August 26, 1905 (I. T. D. 9924-1905), in which the decision of the Commissioner to the Five Civilized Tribes, dated July 21, 1905, rejecting the applications for the enrollment of Quessie Smith and her minor children, Robert, Jennie, Linwood, Yabel, Lucile, Sawula, and Mamie Smith; Serina Brown and her minor children, Della and Debbie Brown; and Ellie Sanders, as Cherokee freedmen, is affirmed.

A copy of said Departmental letter is herewith inclosed for your information.

Respectfully,

SIGNED:

*Wm. O. Beall*  
Acting Commissioner.

Incl. 61-304.

CHL

COPY

Cherokee F D-  
778--961-F R-523.

Muskogee, Indian Territory, September 15, 1905.

Elue & Bulger,

Attorneys for Queenie Smith et al.,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that this office is in receipt of Departmental letter of August 28, 1905 (I. T. D. 9304-1905), in which the decision of the Commissioner to the Five Civilized Tribes, dated July 21, 1905, rejecting the applications for the enrollment of Queenie Smith and her minor children, Robert, Jessie, Linwood, Mabel, Lucile, Sammie, and Maria Smith; Maria Brown and her minor children, Della and Debbie Brown; and Willie Sanders, as Cherokee freedmen, is affirmed.

A copy of said Departmental letter is herewith inclosed for your information.

Respectfully,

SIGNED,

*Wm O. Grace*  
Acting Commissioner.

Incl. OL-503.  
GHL



REFER IN REPLY TO THE FOLLOWING:

Cherokee  
F D-961.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES. *JH*

*BOB*  
Muskogee, Indian Territory, September 13, 1905.

Serina Brown,  
Chelsea, Indian Territory.

Dear madam:

You are hereby advised that this office is in receipt of Departmental letter of August 26, 1905 (I. T. D. 9924-1905), in which the decision of the Commissioner to the Five Civilized Tribes, dated July 21, 1905, rejecting, among others, your application for the enrollment of yourself and minor children, Della and Debbie Brown, as Cherokee freedmen, is affirmed.

Respectfully,

*W. O. Beall*

Acting Commissioner.

GHL

COPY  
20

C. J. D-951

D-951

IN RE

Application for Enrollment of  
INFANT CHILD

..... Della Brown .....

as a citizen of

..... Cherokee .....

Nation.

Approved Sep 6-1901

190

..... T. B. Needles .....

Commissioner.

Department of the Interior,  
Commission to the Five  
Civilized Tribes  
Filed

Sep 6-1901.

Tams Bixby, Acting Chairman.

# DEPARTMENT OF THE INTERIOR, COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,  
of Della Brown (Here insert name of child.), born on the 27 day of September, 1897  
Name of Father: John Brown a citizen of the Cherokee Nation.  
Name of Mother: Sarina Brown a citizen of the Cherokee Nation.  
Postoffice Chelsea, I. T.

## AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }  
Northern DISTRICT. }

I, Sarina Brown, on oath state that I am 19  
freedman  
years of age and a citizen, by blood, of the Cherokee Nation;  
that I am the lawful wife of John Brown, who is a citizen, by  
freedman blood, of the Cherokee Nation; that a female child was  
(Male or Female.)  
born to me on 27 day of September, 1897; that said child has been named  
Della Brown, and is now living.

### WITNESSES TO MARK:

Sarina X Brown.  
(Must be Two Witnesses.) { Mrs. Laura Lowe.  
R. E. Miller

Subscribed and sworn to before me this 17 day of August, 1901.

David G. Elliott.  
Notary Public.

## AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }  
Northern DISTRICT. }

I, Eliza Martin, a midwife, on oath state that I  
attended on Mrs. Sarina Brown, wife of John Brown  
on the 27 day of September, 1897; that there was born to her on said date a female  
(Male or Female.)  
child; that said child is now living and is said to have been named Della Brown.

### WITNESSES TO MARK:

Eliza X Martin  
(Must be Two Witnesses.) { Mrs. Laura Lowe  
R. E. Miller

Subscribed and sworn to before me this 17 day of August, 1901.

David G. Elliott.  
Notary Public.

COPY.

20

CKA-951. D-951

IN RE  
Application for Enrollment of  
INFANT CHILD

Debbie Brown  
as a citizen of

Cherokee Nation.

Approved Sep 6-1901 190

T. B. Needles.

Commissioner.

Department of the Interior  
Commission to the Five  
Civilized Tribes

Filed

Sep 6-1901.

Tams Bixby, Acting Chairman.

# DEPARTMENT OF THE INTERIOR, COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN THE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,  
of Debbie Brown, born on the 17 day of Oct., 1899  
(Here insert name of child.)  
Name of Father: John Brown a citizen of the Cherokee Nation.  
Name of Mother: Sarina Brown a citizen of the Cherokee Nation.  
Postoffice Chelsea, I. T.

## AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Northern District.

I, Sarina Brown, on oath state that I am 19  
years of age and a citizen, by freedman blood of the Cherokee Nation;  
that I am the lawful wife of John Brown, who is a citizen, by  
freedman blood, of the Cherokee Nation; that a female child was  
(Male or Female.)  
born to me on 17 day of Oct, 1899; that said child has been named  
Debbie Brown, and is now living.

WITNESSES TO MAKE:

(Must be Two  
Whitemen.) { Mrs. Laura Lowe,  
R. E. Miller

Subscribed and sworn to before me this 17 day of August, 1901.

David G. Elliott  
Notary Public.

## AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Northern District.

I, Eliza Martin, a midwife, on oath state that I  
attended on Mrs. Sarina Brown, wife of John Brown  
on the 17 day of Oct, 1899; that there was born to her on said date a female  
(Male or Female.)  
child; that said child is now living and is said to have been named Debbie Brown.

WITNESSES TO MAKE:

(Must be Two  
Whitemen.) { Mrs. Laura Lowe  
R. E. Miller

Subscribed and sworn to before me this 17 day of August, 1901.

David G. Elliott Notary Public.



IN RE  
THE DEATH OF

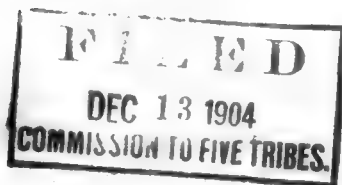
*Sering Brown*

a citizen of the

*Cherokee* Nation.

Approved *DEC* 190

*[Signature]*  
Commissioner



# DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Serina Brown  
(Here insert name of deceased)  
 a citizen of the Cherokee Nation, who formerly resided at or near  
Chelsea, Ind. Ter., and died on the 24 day of  
June 1904  
(Here insert name of post office)

## AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,  
 INDIAN TERRITORY,

District.

I, Queenie Smith, on oath state that I am 45  
 years of age and a citizen, by adoption, of the Cherokee Nation;  
 that my post office address is Claremore Ind. Ter.; that I am  
(Here insert name of post office)  
the mother of Serina Brown  
(State relationship as: the father, an uncle, a cousin, etc.) (Here insert name of deceased)  
 who was a citizen, by adoption, of the Cherokee Nation;  
 and that said Serina Brown died on the 24 day of  
June 1904  
(Here insert name of deceased)

WITNESSES TO SIGN:  
(Must be Two Witnesses)

Jesse M. Varner  
J. H. Roberts

Queenie <sup>let</sup> Smith  
mark

Subscribed and sworn to before me this 21 day of November 1904

J. H. Campbell

Notary Public.

## AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,  
 INDIAN TERRITORY,

District.

I, Lizzie Adams, on oath state that I am 72  
 years of age, and a citizen, by adoption, of the Cherokee Nation;  
 that my post office address is Tulsa Ind. Ter.;  
(Here insert name of post office)  
 that I was personally acquainted with Serina Brown  
(Here insert name of deceased)  
 who was a citizen by adoption, of the Cherokee Nation;  
 and that said Serina Brown died on the 24 day of  
June 1904  
(Here insert name of deceased)

WITNESSES TO SIGN:  
(Must be Two Witnesses)

Gillie Adams

Subscribed and sworn to before me this

21

day of

November

1904

J. H. Campbell

Notary Public.

13

Xpa51

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
**FILED**  
JUN 29 1901



ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date June 29: 1901

Post Office Chelsea S.C.

District 2002

1. Name \_\_\_\_\_ Age \_\_\_\_\_

Owner's name \_\_\_\_\_ Citizenship \_\_\_\_\_

Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ District \_\_\_\_\_

Parents:

Father \_\_\_\_\_ Citizenship \_\_\_\_\_

Mother \_\_\_\_\_ Citizenship \_\_\_\_\_

11. Name of wife Arma Brown Age 19

Owner's name \_\_\_\_\_ Citizenship \_\_\_\_\_

Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ District \_\_\_\_\_

Parents:

Father James Smith - living Citizenship \_\_\_\_\_

Mother Laura Citizenship \_\_\_\_\_

Names of Children:

12. Nella Brown Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Dist. \_\_\_\_\_ 34

13. Nellie Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Dist. \_\_\_\_\_ 1

5. \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Dist. \_\_\_\_\_

6. \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Dist. \_\_\_\_\_

7. \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Dist. \_\_\_\_\_

8. \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Dist. \_\_\_\_\_

9. \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Dist. \_\_\_\_\_

10. \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Dist. \_\_\_\_\_

11. \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Dist. \_\_\_\_\_

12. \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Dist. \_\_\_\_\_

Application made by Ms. 1 Stenographer J. O. Ross

2 and 3 - Birth affidavits to be supplied.

X Ref. D. 779

J. P. Squichie, Agent for applicants

2 40481

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
FILED  
MAR 24 1902

 ACTING CHAIRMAN



# **NOTICE.**

## **Cherokee - Freedmen - Enrollment.**

The Commission to the Five Civilized Tribes will continue in session at

**MUSKOGEE, IND. TER.,**  
from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Serina Brown,  
Chelsea, I. T.  
Cherokee F-D-951  
Register.

TAMS BIXBY,  
T. B. NEEDLES,  
C. R. BRECKINRIDGE,  
Commissioners.

78  
78



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

5109

Mrs. Serina Brown,

Chelsea, Indian Territory.



131

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICE OF BUSINESS.

Penalty for private use, \$300.



Serina Brown,

Chelsea, Indian Territory.

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MONROVIE, IND. TER.



~~Serina Brown,~~

~~CHULSA, Indian Territory.~~

Department of the Interior.

Commission to the Five Civilized Tribes,  
MUSKOGEE, IND. TER.



Administrator of Estate of ~~Spring~~ Brown, deceased,  
Chelsea Indian Territory.

6072951



**END  
OF  
REEL**



